

SENATE BILL 312

Introduced by Pinsoneault, et al.

2/01	Introduced
2/01	Referred to Judiciary
2/07	Hearing
2/09	Committee Report--Bill Passed as Amended
2/13	2nd Reading Passed
2/15	3rd Reading Passed

Transmitted to House

2/21	Referred to Judiciary
3/07	Hearing
3/07	Tabled in Committee

CONSTITUTIONAL AMENDMENT

1 *Senate* BILL NO. *312*
 2 INTRODUCED BY *Ed Canale Mercer Raylan Hughes Beck*
 3 *William Fayell Bangton Matt Anderson Duffey*
 4 *John Wilson Hammon*
 5 *John Bob Brown Gilbert Owens Smith Hayne*
 6 *Subcommittee Mark Nelson*
 7 *Diakonitz*
 8 STATE FOR THE REDRESS OF WRONGS; TO REMOVE THE RIGHT OF
 9 "FULL" LEGAL REDRESS FOR EVERY INJURY FROM THE CONSTITUTION
 10 AND TO REPLACE IT WITH A MORE LIMITED RIGHT; TO PROVIDE THE
 11 LEGISLATURE GREATER AUTHORITY TO ESTABLISH THE EXTENT OF
 12 REMEDIES AVAILABLE FOR THE REDRESS OF WRONGS; TO LIMIT THE
 13 AUTHORITY OF THE LEGISLATURE TO PLACE DOLLAR LIMITS ON
 14 RECOVERY OF DAMAGES FOR ACTUAL ECONOMIC LOSS FOR BODILY
 15 INJURIES BY REQUIRING A 2/3 VOTE OF EACH HOUSE OF THE
 16 LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE."
 17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 **Section 1.** Article II, section 16, of The Constitution
 20 of the State of Montana is amended to read:

21 "Section 16. The administration of justice. (1) Courts
 22 of justice shall be open to every person, and speedy remedy
 23 afforded for every injury of person, property, or character.
 24 Right and justice shall be administered without sale,
 25 denial, or delay.

1 (2) No person shall be deprived of this full legal
 2 redress for injury incurred in employment for which another
 3 person may be liable except as to fellow employees and his
 4 immediate employer who hired him if such immediate employer
 5 provides coverage under the Workmen's Compensation Laws of
 6 this state. ~~Right-and-justice-shall-be-administered-without~~
 7 ~~sale,-denial,-or-delay.~~

8 (3) This section shall not be construed as a
 9 limitation upon the authority of the legislature to enact
 10 statutes establishing, limiting, modifying, or abolishing
 11 remedies, claims for relief, damages, or allocations of
 12 responsibility for damages in any civil proceeding; except
 13 that any express dollar limits on compensatory damages for
 14 actual economic loss for bodily injury must be approved by a
 15 2/3 vote of each house of the legislature."

16 **NEW SECTION. Section 2.** Effective date. If approved
 17 by the electorate, this amendment is effective January 1,
 18 1991.

19 **NEW SECTION. Section 3.** Submission to electorate.
 20 This amendment shall be submitted to the qualified electors
 21 of Montana at the general election to be held in November
 22 1990 by printing on the ballot the full title of this act
 23 and the following:

24 ☐ FOR generally revising the constitutional right of
 25 access to the courts of this state for the redress

LC 1434/01

1 of wrongs.
2 ☐ AGAINST generally revising the constitutional right
3 of access to the courts of this state for the
4 redress of wrongs.

-End-

CONSTITUTIONAL AMENDMENT
APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 312

INTRODUCED BY PINSONEAULT, MERCER, BOYLAN, VAUGHN, BECK,
ELLISON, WESTLAKE, THAYER, WILLIAMS, MCLANE, FARRELL,
HAMMOND, BENGTSON, GALT, ANDERSON, GAGE, CRIPPEN, STORY,
NOBLE, B. BROWN, GILBERT, OWENS, SMITH, HAYNE, PATTERSON,
DEBRUYCKER, ZOOK, MARKS, GLASER, WALLIN, GIACOMETTO

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II,
SECTION 16, OF THE MONTANA CONSTITUTION TO GENERALLY REVISE
THE CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS OF THIS
STATE FOR THE REDRESS OF WRONGS; TO REMOVE THE RIGHT OF
"FULL" LEGAL REDRESS FOR EVERY INJURY FROM THE CONSTITUTION
AND TO REPLACE IT WITH A MORE LIMITED RIGHT; TO PROVIDE THE
LEGISLATURE GREATER AUTHORITY TO ESTABLISH THE EXTENT OF
REMEDIES AVAILABLE FOR THE REDRESS OF WRONGS; TO LIMIT THE
AUTHORITY OF THE LEGISLATURE TO PLACE DOLLAR LIMITS ON
RECOVERY OF DAMAGES FOR--ACTUAL--ECONOMIC--LOSS--FOR--BODILY
INJURIES BY REQUIRING A 2/3 VOTE OF EACH HOUSE OF THE
LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article II, section 16, of The Constitution
of the State of Montana is amended to read:

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of justice shall be open to every person, and speedy remedy
afforded for every injury of person, property, or character.
Right and justice shall be administered without sale,
denial, or delay.

(2) No person shall be deprived of this--full legal
redress for injury incurred in employment for which another
person may be liable except as to fellow employees and his
immediate employer who hired him if such immediate employer
provides coverage under the Workmen's Compensation Laws of
this state. ~~Right-and-justice-shall-be-administered-without~~
~~sale,-denial,-or-delay.~~

(3) This section shall not be construed as a
limitation upon the authority of the legislature to enact
statutes establishing, limiting, modifying, or abolishing
remedies, claims for relief, damages, or allocations of
responsibility for damages in any civil proceeding; except
that any express dollar limits on compensatory damages for
~~actual-economic-loss-for-bodily-injury~~ must be approved by a
2/3 vote of each house of the legislature."

NEW SECTION. Section 2. Effective date. If approved
by the electorate, this amendment is effective January 1,
1991.

NEW SECTION. Section 3. Submission to electorate.
This amendment shall be submitted to the qualified electors
of Montana at the general election to be held in November

SB 0312/02

1 1990 by printing on the ballot the full title of this act
2 and the following:

3 ☐ FOR generally revising the constitutional right of
4 access to the courts of this state for the redress
5 of wrongs.

6 ☐ AGAINST generally revising the constitutional right
7 of access to the courts of this state for the
8 redress of wrongs.

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redress for injury incurred in employment for which another
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