

SENATE BILL 400

Introduced by Nathe

2/15	Introduced
2/15	Referred to Judiciary
2/15	First Reading
2/19	Hearing
2/22	Tabled in Committee

1                    Senate BILL NO. 400  
2    INTRODUCED BY NATHAN  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT CREATING IMMUNITY FROM  
5    SUIT FOR CONSERVATION DISTRICT SUPERVISORS; AMENDING SECTION  
6    76-15-320, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
7  
8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9        NEW SECTION. Section 1. Conservation district  
10    supervisors -- immunity from suit. A supervisor of a  
11    conservation district, as defined in 76-15-103, is immune  
12    from suit for damages arising from the lawful discharge of  
13    an official duty associated with the operation of the  
14    conservation district, as provided in Title 76, chapter 15,  
15    part 4. This section does not apply to liability for willful  
16    or wanton misconduct.  
17        **Section 2.** Section 76-15-320, MCA, is amended to read:  
18        "76-15-320. Legal status of district. A Except as  
19    provided in [section 1], a conservation district and the  
20    supervisors thereof ~~shall~~ of the district have the power to  
21    sue and be sued in the name of the district; to have a seal,  
22    which ~~seal--shall~~ must be judicially noticed; to have  
23    perpetual succession unless terminated as hereinafter  
24    provided; and to make and execute contracts and other  
25    instruments necessary or convenient to the exercise of its

1    powers."  
2        NEW SECTION. Section 3. Codification instruction.  
3    [Section 1] is intended to be codified as an integral part  
4    of Title 2, chapter 9, part 1, and the provisions of Title  
5    2, chapter 9, part 1, apply to [section 1].  
6        NEW SECTION. Section 4. Two-thirds vote required.  
7    Because [section 1] limits governmental liability, Article  
8    II, section 18, of the Montana constitution requires a vote  
9    of two-thirds of the members of each house of the  
10    legislature for passage.  
11        NEW SECTION. Section 5. Effective date. [This act] is  
12    effective on passage and approval.

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