

SENATE JOINT RESOLUTION NO. 31

INTRODUCED BY HALLIGAN, RYE, YELLOWTAIL, B. BROWN,
HARP, DOHERTY, BLAYLOCK, FRANKLIN, GROSFIELD,
TOWE, BARTLETT

IN THE SENATE

APRIL 3, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

APRIL 13, 1993 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

APRIL 14, 1993 PRINTING REPORT.

SECOND READING, DO PASS.

APRIL 15, 1993 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 48; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

APRIL 16, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

APRIL 19, 1993 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 20, 1993 SECOND READING, CONCURRED IN.

APRIL 21, 1993 THIRD READING, CONCURRED IN.
AYES, 79; NOES, 20.

RETURNED TO SENATE.

IN THE SENATE

APRIL 21, 1993 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate JOINT RESOLUTION NO. 31

INTRODUCED BY *Hollister, Ryan, Yellowtail, Bob Brown, HARP, Donnelly, Blaylock, Jackson, Crawford, etc.*
 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF INSURANCE-RELATED PROBLEMS, INCLUDING THE HIGH COST OF MEDICAL MALPRACTICE INSURANCE, PROPOSALS FOR GENERAL TORT REFORM, AND GENERAL QUESTIONS INVOLVING PUBLIC AND PRIVATE LIABILITY ISSUES; AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 54TH LEGISLATURE.

WHEREAS, several bills have been introduced in the 53rd Legislative Session requesting immunity from liability for various groups, including private enterprises relating to various occupations as well as governmental agencies; and

WHEREAS, several bills relating to tort reform have been introduced in the 53rd Legislative Session; and

WHEREAS, it is reported that, in Montana, many rural and urban areas are having difficulty in obtaining and retaining health providers, particularly those practicing in the area of obstetrics and gynecology; and

WHEREAS, there is evidence that doctors and other health care providers, businesses, and others may have difficulty obtaining insurance coverage and liability protection at reasonable rates; and

WHEREAS, as the cost of insurance continues to grow, it continues to consume a larger percentage of income and is approaching the point of placing liability protection out of the reach of businesses and individuals in Montana; and

WHEREAS, the high cost of insurance may seriously threaten the provision of certain goods and services to the state's citizens; and

WHEREAS, proposed solutions to the complex problems of insurance coverage and protection and public and private tort liability are not easily identified and adequate and effective solutions may not be obtainable within the pressures of a legislative session; and

WHEREAS, a thoughtful and reasoned study of the myriad aspects of insurance costs and availability, tort reform proposals, and public and private liability, in addition to other studies that are specific to other subject matters that are being proposed in this 53rd Legislative Session, would aid in the solution of these complex issues.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That a special joint interim committee, to which the full subpoena power of the Legislature and the Legislative Council is extended, be assigned to study and to prepare legislation, if recommended, to address:

- 1 (1) insurance problems, including the cost of medical
2 malpractice insurance and how to make insurance coverage and
3 protection available to Montana citizens at a reasonable
4 cost;
- 5 (2) the effectiveness of various tort reform proposals;
6 and
- 7 (3) general questions involving public and private
8 liability, including but not limited to the issues of public
9 and private immunity, punitive damages, structured
10 settlements, caps on damage awards, attorney fees,
11 reinsurance, and penalties for bringing frivolous lawsuits.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
INTERIM STUDY OF INSURANCE-RELATED PROBLEMS, INCLUDING THE
HIGH COST OF MEDICAL MALPRACTICE INSURANCE, PROPOSALS FOR
GENERAL TORT REFORM, AND GENERAL QUESTIONS INVOLVING PUBLIC
AND PRIVATE LIABILITY ISSUES; AND REQUIRING A REPORT OF THE
FINDINGS OF THE STUDY TO THE 54TH LEGISLATURE.

WHEREAS, several bills have been introduced in the 53rd
Legislative Session requesting immunity from liability for
various groups, including private enterprises relating to
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WHEREAS, several bills relating to tort reform have been
introduced in the 53rd Legislative Session; and

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urban areas are having difficulty in obtaining and retaining
health providers, particularly those practicing in the area
of obstetrics and gynecology; and

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obtaining insurance coverage and liability protection at
reasonable rates; and

WHEREAS, as the cost of insurance continues to grow, it
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12 settlements, JOINT AND SEVERAL LIABILITY, caps on damage
13 awards, attorney fees, reinsurance, and penalties for
14 bringing frivolous lawsuits.

15 {2} THAT, WHEN APPROPRIATE, THE STUDY BE COORDINATED
16 WITH THE STUDY OF TORT REFORM AND DEFENSIVE MEDICINE
17 PROVIDED FOR IN SENATE BILL NO. 285.

-End-

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