SENATE JOINT RESOLUTION NO. 31

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

IN THE SENATE

	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.

INTRODUCED BY FOLIAGE SOLUTION NO. 31

INTRODUCED BY FOLIAGE SOLUTION 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.

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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

Montana Lagislativa Council

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.

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 21 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

25 legislation, if recommended, to address:

- (1) insurance problems, including the cost of medical malpractice insurance and how to make insurance coverage and protection available to Montana citizens at a reasonable cost:
- 5 (2) the effectiveness of various tort reform proposals;6 and

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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-

SJR 0031/02 SJR 0031/02

APPROVED BY COMMITTEE ON JUDICIARY

1	SENATE JOINT RESOLUTION NO. 31
2	INTRODUCED BY HALLIGAN, RYE, YELLOWTAIL, B. BROWN,
3	HARP, DOHERTY, BLAYLOCK, FRANKLIN, GROSFIELD,
4	TOWE, BARTLETT
5	
6	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
7	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
8	INTERIM STUDY OF INSURANCE-RELATED PROBLEMS, INCLUDING THE
9	HIGH COST OF MEDICAL MALPRACTICE INSURANCE, PROPOSALS FOR
10	GENERAL TORT REFORM, AND GENERAL QUESTIONS INVOLVING PUBLIC
11	AND PRIVATE LIABILITY ISSUES; AND REQUIRING A REPORT OF THE
12	FINDINGS OF THE STUDY TO THE 54TH LEGISLATURE.
1.3	
14	WHEREAS, several bills have been introduced in the 53rd
15	Legislative Session requesting immunity from liability for
16	various groups, including private enterprises relating to
17	various occupations as well as governmental agencies; and
18	WHEREAS, several bills relating to tort reform have been
19	introduced in the 53rd Legislative Session; and
20	WHEREAS, it is reported that, in Montana, many rural and
21	urban areas are having difficulty in obtaining and retaining
21	health providers, particularly those practicing in the area
	of obstetrics and gynecology; and
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2	reasonable rates; and
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5	approaching the point of placing liability protection out of
6	the reach of businesses and individuals in Montana; and
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8	threaten the provision of certain goods and services to the
9	state's citizens; and
10	WHEREAS, proposed solutions to the complex problems of
11	insurance coverage and protection and public and private
12	tort liability are not easily identified and adequate and
13	effective solutions may not be obtainable within the
14	pressures of a legislative session; and
15	WHEREAS, a thoughtful and reasoned study of the myriad
16	aspects of insurance costs and availability, tort reform
17	proposals, and public and private liability, in addition to
18	other studies that are specific to other subject matters
19	that are being proposed in this 53rd Legislative Session,
20	would aid in the solution of these complex issues.
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NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

(1) That a special joint interim committee, to which

OF REPRESENTATIVES OF THE STATE OF MONTANA:

- Legislative Council is extended, be assigned to study and to
 prepare legislation, if recommended, to address:
- 7 (2)(B) the effectiveness of various tort reform 8 proposals; and
- 9 (3)(C) general questions involving public and private
 10 liability, including but not limited to the issues of public
 11 and private immunity, punitive damages, structured
 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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53rd Legislature

SJR 0031/02

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19	introduced in the 53rd Legislative Session; and
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21	urban areas are having difficulty in obtaining and retaining
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23	of obstetrics and gynecology; and
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25	care providers, businesses, and others may have difficulty

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6	the reach of businesses and individuals in Montana; and
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9	state's citizens; and
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- 4 medical malpractice insurance and how to make insurance
- 5 coverage and protection available to Montana citizens at a
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- 9 (3)(C) general questions involving public and private
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- 14 bringing frivolous lawsuits.
- 15 (2) THAT, WHEN APPROPRIATE, THE STUDY BE COORDINATED
- 16 WITH THE STUDY OF TORT REPORM AND DEPENSIVE MEDICINE
- 17 PROVIDED FOR IN SENATE BILL NO. 285.

-End-

53rd Legislature

SJR 0031/02

4	TOME, DARTLETT
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6	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
7	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
8	INTERIM STUDY OF INSURANCE-RELATED PROBLEMS, INCLUDING THE
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(2) THAT, WHEN APPROPRIATE, THE STUDY BE COORDINATED WITH THE STUDY OF TORT REFORM AND DEPENSIVE MEDICINE PROVIDED FOR IN SENATE BILL NO. 285.

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