



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2024	.	
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The Committee on Rules (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 61 - 111  
and insert:  
one person which exceeds the sum of \$300,000 ~~\$200,000~~ or any  
claim or judgment, or portions thereof, which, when totaled with  
all other claims or judgments paid by the state or its agencies  
or subdivisions arising out of the same incident or occurrence,  
exceeds the sum of \$500,000 ~~\$300,000~~. However, a judgment or  
judgments may be claimed and rendered in excess of these amounts  
and may be settled and paid pursuant to this act up to \$300,000



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12 or \$500,000 ~~\$200,000 or \$300,000~~, as the case may be; and that  
13 portion of the judgment that exceeds these amounts may be  
14 reported to the Legislature, and ~~but~~ may be paid in part or in  
15 whole ~~only~~ by further act of the Legislature.

16 (b) Notwithstanding the limited waiver of sovereign  
17 immunity provided in paragraph (a):

18 1. herein, The state or an agency ~~or subdivision~~ thereof  
19 may agree, within the limits of insurance coverage provided, to  
20 settle a claim made or a judgment rendered against it in excess  
21 of the waiver provided in paragraph (a) without further action  
22 by the Legislature.

23 2. A subdivision of the state may agree to settle a claim  
24 made or a judgment rendered against it in excess of the waiver  
25 provided in paragraph (a) without further action by the  
26 Legislature.

27  
28 However, ~~but~~ the state or an agency or subdivision thereof may  
29 ~~shall~~ not be deemed to have waived any defense of sovereign  
30 immunity or to have increased the limits of its liability as a  
31 result of its obtaining insurance coverage for tortious acts in  
32 excess of the ~~\$200,000 or \$300,000~~ waiver provided in paragraph  
33 (a). However, a party may not lobby against any agreed upon  
34 settlement brought to the Legislature as a settled claim bill  
35 above. An insurance policy may not condition the payment of  
36 benefits, in whole or in part, on the enactment of a claim bill.

37 (c) The limitations of liability set forth in this  
38 subsection shall apply to the state and its agencies and  
39 subdivisions whether or not the state or its agencies or  
40 subdivisions possessed sovereign immunity before July 1, 1974.



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41        (d) ~~(b)~~ A municipality has a duty to allow the municipal law  
42 enforcement agency to respond appropriately to protect persons  
43 and property during a riot or an unlawful assembly based on the  
44 availability of adequate equipment to its municipal law  
45 enforcement officers and relevant state and federal laws. If the  
46 governing body of a municipality or a person authorized by the  
47 governing body of the municipality breaches that duty, the  
48 municipality is civilly liable for any damages, including  
49 damages arising from personal injury, wrongful death, or  
50 property damages proximately caused by the municipality's breach  
51 of duty. The sovereign immunity recovery limits in paragraph (a)  
52 do not apply to an action under this paragraph.

53        (e) When determining liability limits for a claim, the  
54 limitations of liability in effect on the date when the claim  
55 incident occurred apply to the claim.

56  
57 ===== T I T L E   A M E N D M E N T =====

58 And the title is amended as follows:

59        Delete line 15

60 and insert:

61        claim; requiring the Department of Financial