

1996 SESSION

INTRODUCED

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HOUSE JOINT RESOLUTION NO. 33

Offered January 16, 1996

Establishing a joint subcommittee to study the immunity laws.

Patrons—Johnson, Baker, Cranwell and Howell; Senator: Gartlan

Referred to Committee on Rules

WHEREAS, only the General Assembly can offer immunity from liability, and currently, there are over eighty statutes in the Code of Virginia which afford charitable or sovereign immunity to various persons and entities; and

WHEREAS, those statutes are spread across the entire Code, offer complete or conditional immunity from certain types of actions or inactions, and are inconsistent in their wording, even when affording immunity from the same action or inaction; and

WHEREAS, there is a long line of case decisions which interpret the public policy of charitable and sovereign immunity; and

WHEREAS, each year several bills are introduced during the session of the General Assembly to add new immunity laws or modify the existing law; and

WHEREAS, there is a need to analyze: (i) the existing immunity laws to assure that the public policy established by statute is organized and consistent; (ii) the issues attendant to such laws, such as insurance coverage for the immune entities and their employees and volunteers; and (iii) the case law; and

WHEREAS, after the 1995 Session members of the House and Senate Committees of Courts of Justice were appointed to review immunity legislation introduced during the 1995 Session, and reported their findings, but were not able to fully study all of the issues because of time; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the laws, the case decisions, and issues attendant to legislation relating to charitable and sovereign immunity.

The joint subcommittee shall be composed of seven members as follows: four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates; and three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$6,250.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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