

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **SB 462**, As Amended by Senate Committee, be amended on page 1, in line 9, by striking "New"; also in line 9, after "(a)" by inserting "(1)"; in line 10, by striking "nonexclusive list of"; in line 13, by striking "(1)" and inserting "(A)"; in line 19, after "law" by inserting "unless such action or condition is alleged to have resulted from negligent conduct"; following line 23, by inserting:

"(2) Nothing in paragraph (1)(A) shall preclude claims or causes of action based on other theories of tort liability, including, but not limited to, product liability, consumer protection, design, labeling or marketing.";

Also on page 1, in line 24, by striking "(1)"; in line 26, by striking all after the third "the"; by striking all in lines 28 through 36;

On page 2, by striking all in lines 1 through 7; in line 22, before "A" by inserting "(1) A public nuisance claim may be brought by a political subdivision of the state if the alleged public nuisance is wholly contained within the jurisdiction of such political subdivision.

(2) If the alleged public nuisance is not wholly contained within a political subdivision of the state, the attorney general is the only governmental official or agency in this state that may file a claim regarding such public nuisance unless the attorney general delegates in writing authorization to one or more political subdivisions of the state to file a claim regarding such public nuisance.

(3)";

Also on page 2, also in line 22, before "the" by inserting "a political subdivision or"; in line

28, by striking all after the period; by striking all in lines 29 through 37; in line 38, by striking all before "A"; in line 42, by striking all after the period; by striking all in line 43;

On page 3, by striking all in line 1; in line 2, by striking "thereto."; in line 15, by striking all after the period; by striking all in lines 16 through 22;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 3, by striking all in lines 30 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 10;

And by renumbering sections accordingly;

On page 1, in the title, in line 3, before "requiring" by inserting "providing that only the attorney general may file claims regarding public nuisances that are not wholly contained in one political subdivision unless the attorney general delegates authorization to one or more political subdivisions of the state to file such claims;"; in line 4, by striking all after "actions"; by striking all in line 5; in line 6, by striking all before the period; and the bill be passed as amended.

Chairperson