

EXECUTIVE ORDER 92-5

GOVERNOR'S TASK FORCE ON TORT REFORM

WHEREAS, the Governor has issued a policy statement to all Agencies and employees that protection of the public and the State's employees as well as the preservation of the State's resources is paramount and their responsibility; and

WHEREAS, the State of Arizona, according to a survey completed for Fiscal Year 1991, paid more for tort claims than all other states except New York, despite its small population; and

WHEREAS, the State of Arizona is one of less than ten states that has no limit on tort damages; and

WHEREAS, the State of Arizona has enacted immunities that are not providing adequate protection for government functions; and

WHEREAS, the taxpayers of Arizona should not continue to be financially responsible for these losses;

NOW THEREFORE, I, Governor Fife Symington, do hereby appoint a Task Force On Tort Reform. The Task Force on Tort Reform will consider the following in its deliberation:

1. Current immunity statutes found in A.R.S. 12-820.01, 12-820.02 and 12-820.03.
2. Constitutional provisions in Article 2 Section 32 and Article 6 Section 17, relating to limitations on damages and the right to a jury trial.
3. The establishment of a claims court.
4. The current claims statute, the time period for filing, and the "excusable neglect" provision found in A.R.S. 12-821.
5. The use of Alternative Dispute Resolution.
6. Bifurcation of trials in serious injury cases upon request of either party.
7. The use of annuities or periodic payments.

The Task Force on Tort Reform shall report to the Governor with options no later than July 1, 1992.

The Chairman is James W. Evans, and staff support shall be provided by the Risk Management Division of the Department of Administration.

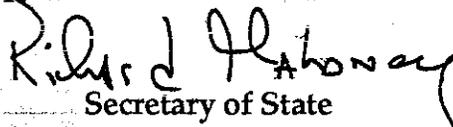
IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



GOVERNOR

DONE at the Capitol in Phoenix this Twenty-ninth Day of January in the Year of Our Lord One Thousand Nine Hundred and Ninety-two and of the Independence of the United States of America the Two Hundred and Sixteenth.

ATTEST:



Secretary of State

