

APRIL 9, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 10, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *228*
 2 INTRODUCED BY *Laura Bell Zinnits Baragan Kimbela*
 3 *Thomas Jensen* *By Bill Southworth*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN EMERGENCY
 5 RESPONDER TO RECOVER FROM THE RESPONSIBLE PARTY COSTS
 6 INVOLVED IN RESPONDING TO A HAZARDOUS MATERIAL INCIDENT."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. **Section 1. Definitions.** As used in
 10 [sections 1 and 2], the following definitions apply:

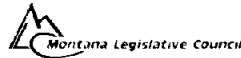
11 (1) "Emergency responder" means a public or private
 12 safety agency, including law enforcement, firefighting,
 13 ambulance or medical, and civil defense, that provides
 14 services in an emergency situation.

15 (2) "Hazardous material incident" means an episode
 16 involving hazardous substance, as defined in 50-30-201, that
 17 results in widespread or severe damage to property or life.

18 NEW SECTION. **Section 2. Recovery of costs.** An
 19 emergency responder has the right to a cause of action
 20 against the responsible party for the full costs involved in
 21 responding to a hazardous material incident.

-End-

INTRODUCED BILL
HB 228



APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE BILL NO. 228
2 INTRODUCED BY LARSON, PIPINICH, BERGSAGEL,
3 KIMBERLEY, DAVIS, FORRESTER, G. BECK, SOUTHWORTH,
4 TOOLE, J. JOHNSON, GOULD, SCHYE, KILPATRICK

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN EMERGENCY
7 RESPONDER TO RECOVER FROM THE RESPONSIBLE PARTY COSTS
8 INVOLVED--IN--RESPONDING RELATED TO A HAZARDOUS MATERIAL
9 INCIDENT."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Definitions. As used in
13 [sections 1 and 2], the following definitions apply:

14 (1) "Emergency responder" means a public ~~or-private~~
15 safety agency OR A PRIVATE ENTITY ACTING UNDER A REQUEST
16 FROM OR AUTHORITY GRANTED BY A GOVERNMENT AGENCY, including
17 law enforcement, firefighting, ambulance or medical, and
18 civil defense, that provides services in an emergency
19 situation.

20 (2) "Hazardous material incident" means an episode
21 OCCASION involving hazardous substance, as defined in
22 50-30-201 AND 75-10-602, that ~~results--in--widespread--or~~
23 ~~severe-damage-to-property-or-life~~ ENDANGERS PROPERTY, PUBLIC
24 HEALTH, OR PUBLIC SAFETY.

25 NEW SECTION. Section 2. Recovery of costs. (1) An

1 emergency responder has the right to ~~a--cause--of--action~~
2 ~~against RECOVER FROM~~ the responsible party for the EMERGENCY
3 RESPONDER'S full costs involved-in-responding-to RELATED TO
4 a hazardous material incident.

5 (2) THE PROVISIONS OF PART 7 OF THIS CHAPTER APPLY TO
6 [SECTION 1] AND THIS SECTION TO THE EXTENT THAT THEY CAN BE
7 APPLIED AND TO THE EXTENT THAT THEY DO NOT CONFLICT WITH THE
8 PROVISIONS OF [SECTION 1] AND THIS SECTION.

9 NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION.
10 [SECTIONS 1 AND 2] ARE INTENDED TO BE CODIFIED AS AN
11 INTEGRAL PART OF TITLE 75, CHAPTER 10, PART 6, AND THE
12 PROVISIONS OF TITLE 75, CHAPTER 10, PART 6, APPLY TO
13 [SECTIONS 1 AND 2].

-End-



HOUSE BILL NO. 228

INTRODUCED BY LARSON, PIPINICH, BERGSAGEL,
KIMBERLEY, DAVIS, FORRESTER, G. BECK, SOUTHWORTH,
TOOLE, J. JOHNSON, GOULD, SCHYE, KILPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN EMERGENCY
RESPONDER TO RECOVER FROM THE RESPONSIBLE PARTY COSTS
INVOLVED--IN--RESPONDING RELATED TO A HAZARDOUS MATERIAL
INCIDENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in
[sections 1 and 2], the following definitions apply:

(1) "Emergency responder" means a public or-private
safety agency OR A PRIVATE ENTITY ACTING UNDER A REQUEST
FROM OR AUTHORITY GRANTED BY A GOVERNMENT AGENCY, including
law enforcement, firefighting, ambulance or medical, and
civil defense, that provides services in an emergency
situation.

(2) "Hazardous material incident" means an episode
OCCASION involving hazardous substance, as defined in
50-30-201 AND 75-10-602, that results--in--widespread--or
severe-damage-to-property-or-life ENDANGERS PROPERTY, PUBLIC
HEALTH, OR PUBLIC SAFETY.

NEW SECTION. Section 2. Recovery of costs. (1) An

emergency responder has the right to ~~a--cause--of--action~~
against RECOVER FROM the responsible party for the EMERGENCY
RESPONDER'S full costs ~~involved-in-responding-to~~ RELATED TO
a hazardous material incident.

(2) THE PROVISIONS OF PART 7 OF THIS CHAPTER APPLY TO
[SECTION 1] AND THIS SECTION TO THE EXTENT THAT THEY CAN BE
APPLIED AND TO THE EXTENT THAT THEY DO NOT CONFLICT WITH THE
PROVISIONS OF [SECTION 1] AND THIS SECTION.

NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION.
[SECTIONS 1 AND 2] ARE INTENDED TO BE CODIFIED AS AN
INTEGRAL PART OF TITLE 75, CHAPTER 10, PART 6, AND THE
PROVISIONS OF TITLE 75, CHAPTER 10, PART 6, APPLY TO
[SECTIONS 1 AND 2].

-End-

THIRD READING



HOUSE BILL NO. 228

INTRODUCED BY LARSON, PIPINICH, BERGSAGEL,
KIMBERLEY, DAVIS, FORRESTER, G. BECK, SOUTHWORTH,
TOOLE, J. JOHNSON, GOULD, SCHYE, KILPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN EMERGENCY
RESPONDER TO RECOVER FROM THE RESPONSIBLE PARTY COSTS
INVOLVED--IN--RESPONDING DIRECTLY RELATED TO A HAZARDOUS
MATERIAL INCIDENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in
[sections 1 and 2], the following definitions apply:

(1) "Emergency responder" means a public ~~or-private~~
safety agency OR A PRIVATE ENTITY ACTING UNDER A REQUEST
FROM OR AUTHORITY GRANTED BY A GOVERNMENT AGENCY, including
law enforcement, firefighting, ambulance or medical, and
civil defense, that provides services in an emergency
situation.

(2) "Hazardous material incident" means ~~an-episode~~
OCCASION A RELEASE involving A hazardous OR DELETERIOUS
substance, ~~as--defined--in--59-30-201 AND--75-10-602,~~ that
~~results--in--widespread-or-severe-damage-to-property-or-life~~
ENDANGERS PROPERTY, PUBLIC HEALTH, OR PUBLIC SAFETY.

NEW SECTION. Section 2. Recovery of costs. [(I) An

emergency responder has the right to ~~a-cause-of-action~~
~~against RECOVER FROM~~ the responsible party for the EMERGENCY
RESPONDER'S full costs ~~involved-in--responding--to~~ DIRECTLY
RELATED TO a hazardous material incident.

~~(2)--THE--PROVISIONS--OF--PART--7--OF--THIS--CHAPTER--APPLY--TO~~
~~[SECTION-1]-AND-THIS-SECTION-TO-THE-EXTENT-THAT-THEY-CAN--BE~~
~~APPLIED-AND-TO-THE-EXTENT-THAT-THEY-DO-NOT-CONFLICT-WITH-THE~~
~~PROVISIONS-OF-[SECTION-1]-AND-THIS-SECTION.~~

NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION.
[SECTIONS 1 AND 2] ARE INTENDED TO BE CODIFIED AS AN
INTEGRAL PART OF TITLE 75, CHAPTER 10, PART 6 7, AND THE
PROVISIONS OF TITLE 75, CHAPTER 10, PART 6 7, APPLY TO
[SECTIONS 1 AND 2].

-End-

