

MINUTES OF THE JUDICIARY COMMITTEE
January 18, 1983

The meeting of the House Judiciary Committee was called to order by Chairman Dave Brown at 8:00 a.m. in Room 224A of the Capitol. All members were present except Rep. Farris, who was excused. Brenda Desmond, Legislative Council, was present.

HOUSE BILL 170

REP. PISTORIA, sponsor, stated House Bill 170's purpose is to add to the list of places to which an intoxicated person may be taken for help and to provide that persons aiding the intoxicated person are not civilly liable if they act within the scope of the law.

REP. PISTORIA read to the committee a memorandum from Neil Ugrin concerning the bill. EXHIBIT A and B.

HAROLD SHOOT was a proponent of the bill. SHOOT stated the way the present law reads makes it easy to forget about the person. There is a need for those assisting intoxicated persons to exercise judgement without having to worry about being liable in their actions.

There were no further proponents.

KARLA GRAY, Montana Trial Lawyers, was opposed to the bill. She stated the Association understands the concerns of the medical community. However, the Montana Constitution provides for a right of access to the courts. If this bill were passed, it would limit the rights of the intoxicated party. The bill is very broad in scope. It is not clear when the exemptions would begin or end; when a person is intoxicated and when he is not. How long would the good faith rule apply?

There were no further opponents.

In closing, REP. PISTORIA stated he felt the bill would help protect the intoxicated person.

REP. KEYSER asked if a person is not liable for his actions, regardless of the bill, couldn't the intoxicated person file suit? GRAY responded yes, a person could file charges and take his chances.

REP. J. BROWN stated there are so many places listed to take the person, how would you know which one to choose? SHOOT replied this would give the assisting party options. Many communities do not have all the options.

REP. PISTORIA added in the present law it is mandatory to take the person to some location that day. Sometimes, however, because of inclement weather, it is impossible to

Judiciary Committee
January 18, 1983
Page 2

travel distances, as in taking an alcoholic to Galen. This bill would allow taking the person to another shelter for a day or so until the weather cleared up.

There were no further questions. The hearing on House Bill 170 ended.

HOUSE BILL 220

REP. HANNAH, Sponsor, stated this bill would require the court in an action for nonpayment of rent to order the tenant of a residence to pay into the court all or part of the accrued rent.

REP. HANNAH said when there is a dispute between the landlord and the renter, often the renter ceases to pay rent. When the dispute is over, however, many times the renter has already spent the rent money and cannot pay back rent. Just because there is a dispute should not mean there is a basis for the tenant to not pay rent. The landlord still has mortgage payments he must pay, and therefore, depends on the monthly rent money.

DENNIS REHBERG, Montana Association of Realtors, was in favor of the bill. He stated he was interested in the real estate aspect of the bill. Real estate agents are often responsible for the houses their clients rent out while they are in the process of selling them. If the renter stops the rental payment, the mortgage payment cannot be paid.

REHBERT felt this bill would save a step in the courts. At present, the courts do not want to be escrow agents and do not encourage payment of rent into the court. Time and money would be saved if courts were required to order payment of rent into the court.

HURLY CAREY, Montana Association of Realtors, was also supportive of the bill. One problem landlords have is when people do not pay the rent and move because of disputes. Rent that is withheld is hard to collect. Sometimes it is referred to the credit bureau. CAREY felt this bill would make tenants aware of the law.

JULIO MORALES, Landlords Association, was in favor of the bill. He felt the bill should be amended on line 17 from "will" to "shall".

There were no further proponents.

There were no opponents.

In closing, REP. HANNAH stated the standard landlord is not a landbaron. He depends on the monthly rent check to pay the mortgage. It takes between 60 and 90 days for written notice to be acted on when a dispute with a tenant occurs. Many tenants use that time for free rent. Back rent, therefore, becomes quite high. The bill will make the tenant pay the rent to the court until the dispute is solved. The court will then decide who should receive the rent.

REP. SPAETH asked how many eviction cases had been brought in which the court had not ordered payment. CAREY replied in most instances it is not worth the time to go to court to collect unpaid rent. If it was worth the time, many more landlords would probably go to court. REP. SPAETH noted the only thing the bill does is eliminate the discretion the court may have. If it is not worth going to court, how does the bill help? REHBERG stated the court does not feel it is worth their time. This bill is an attempt to force the court to make the tenant pay the rent to the court until the dispute is settled. The payment is due regardless of whether there is a dispute. The Landlord Tenant Act solves problems such as faulty repairs. MORALES added it is the tenant's responsibility to pay the rent.

REP. BERGENE stated the rent due is accrued rent, so why not go before Small Claims Court? REP. HANNAH replied if the landlord has a tenant who can pay the rent, it is possible to go to Small Claims Court. A judgement is given probably in the favor of the landlord. The landlord must still collect, however. This bill addresses the person who tries to "beat the system." If a tenant moves out of town, few landlords will pursue the tenant for back rent.

CAREY stated that 99% of the renters are good people. The 1% is the group that causes the problems. REP. ADDY felt if it was just 1% of the group, it was not that big a problem. CAREY responded the landlord still depends on the money to pay his mortgage.

REP. JENSEN asked if the courts would incur expenses by collecting the rent. REP. HANNAH stated courts already have an escrow account. He did not feel the court would incur much of an expense.

REP. ADDY felt the bill was weighted heavily in favor of the landlord, and thus perhaps denied the tenant due process.

REHBERG stated it is impossible to know how long the court will take to decide on a case. If the tenant refuses to make rental payments until a decision is handed down, the landlord could fall far behind in his mortgage payment.

Judiciary Committee
January 18, 1983
Page 4

REP. ADDY asked what if both the tenant and the landlord paid money into the court. The witnesses felt that it would be absurd for the landlord to pay rent on his own place. MORALES stated the tenant should either pay the rent or move out.

REP. DAILY suggested that if a tenant had a situation, such as faulty plumbing, that the landlord refused to fix, the tenant would want to withhold rent until the landlord repaired the plumbing. REHBERG replied the Landlord Tenant Act covers those types of situations. CAREY added if the tenant repaired the plumbing himself, the parts needed could be deducted from the rent according to the Landlord Tenant Act.

The hearing on House Bill 220 ended.

HOUSE BILL 245

REP. ADDY, sponsor, stated House Bill 245 will expand the geographical area that may be covered by contracts not to compete and to provide that such contracts may not cover licensed professions and occupations.

REP. ADDY stated the bill is the result of a Montana Supreme Court case. The original law was passed in 1895 and has not been amended since that time. It is a concept of the marketing area. Since that time the trade area has grown, but the law has not grown with it. In the 1980 case of Treasure Chemical Inc. v. Team Laboratory Chemical Corporation, the court stated that intercity and interstate businesses are common today and in some circumstances it is reasonable to enforce covenants not to compete that cover the boundaries of an entire state. The Supreme Court has recommended that the legislature examine the law and decide if changes are appropriate.

The bill will change the geographic boundaries of the area within which a covenant not to compete will be enforced from a county to any state or territory of the United States or part thereof. Billings and Missoula are the best examples of areas where the marketing area actually crosses the state boundary.

Professionals have developed a loyal clientele. The clients may not be interested in going to another professional in the same field. If they were not exempt from the provisions of the law, and they had made a covenant not to compete, they would have to move beyond the limits - 100 miles away - of the city. This bill focuses on professionals who have a unique skill, such as doctors, veterinarians, dentists or lawyers, that dictates the choice of the consumer.

REP. ADDY offered EXHIBIT C.

Judiciary Committee
January 18, 1983
Page 5

There were no proponents or opponents for House Bill 245.

REP. KEYSER asked what professions are licensed under Title 37. REP. ADDY replied professions such as medicine, nursing, dentistry, physical therapy, speech pathology, among others.

REP. EUDAILY asked if the amendments were incorporated into the bill, would the law apply to the groups previously listed. REP. ADDY stated he is trying to prevent someone bargaining away in advance their right to carry on a trade in that area. If a practice is sold or dissolved, the sponsor did not have an objection as to what the parties bargained to.

REP. HANNAH asked what was the difference between bargaining away before the sale or at the time of sale. REP. ADDY replied a covenant is signed stating you will not practice within 100 miles of the area. When they bargain at the time of the sale of the business, both parties know what their relative bargaining position is.

There were no further questions on the bill. The hearing of House Bill 245 ended.

The committee then went into Executive Session.

EXECUTIVE SESSION

HOUSE BILL 139

CHAIRMAN BROWN appointed the following House Judiciary members to serve on a subcommittee to amend House Bill 139 as it was sent back from the Committee of the Whole: REP. EUDAILY, who will serve as Chairman, REP. RAMIREZ and REP. SPAETH.

HOUSE BILL 10

CHAIRMAN BROWN noted that city attorneys would like to be able to attend training sessions as noted in House Bill 10; however, the committee did not amend the bill as such because of the concern as to who would pay for their attendance. It was also felt that allowing the city attorneys to attend was not within the scope of the bill.

REP. BERGENE moved the committee draft a committee bill allowing the city attorneys to attend such training sessions at their own expense. REP. J. BROWN seconded the motion. All were in favor of the motion.

Judiciary Committee
January 18, 1983
Page 6

HOUSE BILL 170

REP. DAILY moved DO PASS, seconded by REP. ADDY.

REP. KEYSER was concerned that a person would not be liable for his actions. The Good Samaritan Law is available and REP. KEYSER felt that law offers basically the same protection. He was concerned with paragraph three of the bill.

REP. DAILY stated if a police officer struck a person, according to the bill he would not be liable. REP. KEYSER felt people are responsible for their actions if acting within the scope of their employment. Excess force is something else.

REP. JENSEN asked if subsection 3 would apply to employees of Galen. REP. KEYSER stated the intent is to add to the list of places where an intoxicated person can be taken. REP. JENSEN stated the responsible party might take the intoxicated person to a friend or family home from which the problem originates. He felt the intent was good but it should not be in the law.

REP. CURTISS was concerned with an officer taking the person to a charitable place. Perhaps the person is a diabetic and needs medical attention that the people at the charity do not know about.

REP. RAMIREZ felt the bill was poorly drafted. The bill does not define charitable organizations, church-related facilities, etc. A police officer would have to go through the list to decide where to take the person. A determination would have to be made as to whether the places are available. He further stated the Good Samaritan Act does not have a total exemption.

REP. BERGENE asked about the Good Samaritan Act. It was replied that it states that a person who assists someone else in an emergency without compensation is not liable in civil damages except if cases of gross negligence or willful wrong doing. It is not a blanket of immunity.

REP. KEYSER made a substitute motion of DO NOT PASS, seconded by REP. JENSEN. All were in favor of the motion DO NOT PASS except REP. D. BROWN.

HOUSE BILL 220

It was moved by REP. HANNAH that House Bill 220 DO PASS. REP. KEYSER seconded the motion.

Judiciary Committee
January 18, 1983
Page 7

REP. SPAETH was not opposed to the bill, but felt the bill did not address the problem that the testimony indicated that the witnesses were concerned about. The witnesses expressed concern that filing cases against tenants in court is not worthwhile. This bill addresses what happens in court.

CHAIRMAN BROWN noted due process problems in the bill. BRENDA DESMOND responded that in its application there could be denial of due process to the tenant. It is unclear what would happen if the tenant counterclaimed and the court ordered the tenant to pay rent into the court but failed to do so. If the counter-claim was dismissed because of the tenant's failure to pay the rent, the bill could be interpreted as denying access to the courts on the basis of indigency.

REP. HANNAH noted on line 18 there is a reference to payment of all or part of the rent. The court then has the authority to decide how much will be paid in.

REP. RAMIREZ felt the bill was poorly drafted.

REP. ADDY noted there did not appear to be a separate fund for collection of rent. It was replied once the rent is due and unpaid, a three day notice is given to either pay the rent or be evicted.

REP. JENSEN was opposed to the bill. Under the Landlord Tenant Act, a landlord may use the three day notice to evict a nonpaying tenant.

REP. SPAETH stated if "shall" were changed to "may" all the discretion that was taken away from the judge would be given back. The tenant might decide to pay \$1.00 to the court as part of his rent.

CHAIRMAN BROWN felt there was a problem with the nonpayment of rent, but was not certain this bill addressed that in the proper manner. REP. HANNAH responded he felt the bill was a good bill and that he was willing to clean up the language.

REP. ADDY moved to TABLE the bill. REP. CURTISS was opposed to the motion as she believed there was a problem that needed to be addressed. CHAIRMAN BROWN indicated that the committee would take another look at this bill if new language could be developed.

The motion to TABLE House Bill 220 resulted in a roll call vote. Those Representatives voting yes were: D. BROWN, ADDY, BERGENE, J. BROWN, DAILY, DARKO, EUDAILY, JENSEN, KENNERLY, SCHYE, SPAETH, and VELEBER. Those Representatives voting no were: CURTISS, HANNAH, IVERSON, KEYSER, RAMIREZ, and SEIFERT. The motion carried 12 to 6. House Bill 220 was TABLED.

Judiciary Committee
January 18, 1983
Page 8

HOUSE BILL 245

REP. ADDY moved DO PASS, seconded by REP. JENSEN.

REP. ADDY moved to amend the bill by striking on line 20, page 1 the remainder of section 1 begining with "however." On page 2, line 1, strike "or in anticipation of." Page 2, line 2, strike "none" and insert "one or more." Page 2 following "them" strike "will" and insert "may not." REP. ADDY also moved the title be amended to reflect the changes. The motion was seconded by REP. BERGENE.

REP. EUDAILY asked if the result of deleting the material would be that a professional person could not sell his practice, move and be able to open up a similar practice in another town.

REP. ADDY stated it would be up to the two parties involved. If that was their agreement, that is what would happen. At the time of the sale it would have to be determined if the selling party was selling his practice or just his library. Presumably, the person who has bought the practice would not care if the seller moved and began another practice.

REP. EUDAILY asked why it was not possible to do this now. REP. ADDY responded the present law will only allow the parties to make an agreement to the borders of a county.

REP. DAILY noted if a doctor in Missoula sold his practice and then moved to Hamilton to establish another practice, those patients could just as easily drive to Hamilton for appointments. REP. ADDY noted that expansion of the geographic area primarily affects businesses that operate on a regionwide basis such as heavy equipment businesses. Because these businesses do business in a wide area, the size of the geographic area which can be covered by a covenant not to compete should be expanded.

REP. HANNAH asked what if he, as a seller, agrees not to compete in an area larger than a county but then does compete there; what would be the consequences? REP. ADDY stated the contract would be null and void and not enforceable because it violates Section 28-2-704.

REP. RAMIREZ stated the bill does not state it would enforce all these restrictions. All laws need to be enforced. Even though the bill states "profession, trade or business," it limits it to a business and not the sale of a professional trade. Since the bill expands the area to the United States and its territories, we are permitting more contracts that are in trade. The statute states there is a general prohibition that contracts that restrict trade are generally void. With this bill, we are making exceptions to that. The exceptions that we do have to this law are very narrow today.

Judiciary Committee
January 18, 1983
Page 9

REP. RAMIREZ further stated that the bill would broaden the present statute too much. If a business is sold it is unreasonable for the buyer not to want the seller to not practice anywhere in the state.

REP. ADDY moved to strike the added language "profession, trade or, ". Instead of any state or territory, amend the bill to say the "State of Montana or any part thereof."

REP. RAMIREZ felt that is an improvement. He stated, however, if he were to propose this type of change he would research every case to see if there are some standards to determine what is an acceptable agreement.

REP. CURTISS asked if other states have this type of law. REP. ADDY stated the original law Montana adopted in 1895 was modeled after California law. He did not know if the California law has been amended since that time.

It was noted the bill would be retroactive only if the bill specifically states so.

A roll call vote was taken on the amendment. All members voted in favor of the amendment except REP. FARRIS and REP. SEIFERT, who were absent during the voting.

REP. ADDY moved to strike referenses to "profession, trade, or" throughout the bill and to substitute "State of Montana" or any part thereof" for "any state or territory of the United States or the District of Columbia or any part or parts thereof." All were in favor of the amendment. The final amendments adopted are as in EXHIBIT D.

REP. EUDAILY moved the committee pass the bill for the day until the amendments as approved by the committee could be drafted into the bill.

A roll call vote resulted. Those voting in favor to delay final action on the bill were: CURTISS, EUDAILY, KENNERLY and VELEBER. Those voting no were: D. BROWN, ADDY, BERGENE, DARKO, IVERSON, JENSEN, KEYSER, RAMIREZ, SCHYE, and SPAETH. The motion failed 11 to 4.

REP. ADDY moved DO PASS AS AMENDED, seconded by REP. BERGENE. The motion resulted in a roll call vote. Those voting yes were: D. BROWN, ADDY, BERGENE, J. BROWN, DAILY, DARKO, IVERSON, JENSEN, KEYSER, SCHYE, SPAETH, and VELEBER. Those voting no were: CURTISS, EUDAILY, HANNAH, RAMIREZ, and SEIFERT. The motion of DO PASS AS AMENDED carried 12 to 6.

Judiciary Committee
January 18, 1983
Page 10

The meeting adjourned at 10:45 a.m. Bills to be heard on January 19th are: House Bills 178, 215, 251 and 235.



DAVE BROWN, Chairman



Maureen K. Richardson
Maureen Richardson, Secretary

STANDING COMMITTEE REPORT

January 18, 83

19

MR. SPEAKER

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 170

First reading copy (White)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO ADD TO THE LIST OF PLACES TO WHICH AN INTOXICATED PERSON MAY BE TAKEN FOR HELP; TO PROVIDE THAT PERSONS AIDING INTOXICATED PERSONS ARE NOT CIVILLY LIABLE IF THEY ACT WITHIN THE SCOPE OF THE LAW; AMENDING SECTION 53-24-107, MCA."

Respectfully report as follows: That HOUSE Bill No. 170

DO NOT PASS

~~XXXXXX~~
DO PASS



DAVE BROWN,

Chairman.

STANDING COMMITTEE REPORT (1 of 2)

January 18,

83

19

MR. SPEAKER

JUDICIARY

We, your committee on

HOUSE

243

having had under consideration

Bill No.

First

White

reading copy (color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE GEOGRAPHICAL AREA THAT MAY BE COVERED BY CONTRACTS NOT TO COMPETE AND TO PROVIDE THAT SUCH CONTRACTS MAY NOT COVER LICENSED PROFESSIONS AND OCCUPATIONS; AMENDING SECTIONS 28-2-704 AND 28-2-705, MCA."

HOUSE

243

Respectfully report as follows: That

Bill No.

BE AMENDED AS FOLLOWS:

1. Title, line 6.

Following: "THAT"

Strike: "SUCH CONTRACTS MAY NOT COVER LICENSED PROFESSIONS AND OCCUPATIONS"

Insert: "WHEN SUCH CONTRACTS CONCERN PARTNERSHIPS THEY MAY ONLY BE MADE UPON DISSOLUTION OF PARTNERSHIP"

2. Page 1, line 13.

Following: "a"

Strike: "profession, trade, or"

3. Page 1, line 15.

Following: "similar"

Strike: "profession, trade, or"

56456


DAVE BROWN

Chairman.

January 18,

83

19

4. Page 1, lines 16 through 18.

Following: "part"

Strike: "any state or territory of the United States or the District of Columbia or any part or parts"

Insert: "the state of Montana or any part"

5. Page 1, lines 19 through 20.

Following: "like"

Strike: "profession, trade, or"

6. Page 1, lines 20 through 23.

Following: "therein."

Strike: "However, such an agreement may not be made when the seller is selling the goodwill of a profession or occupation for which a license is required under Title 37."

7. Page 2, line 1.

Following: "upon"

Strike: "or in anticipation of a"

8. Page 2, line 2.

Following: "that"

Strike: "none"

Insert: "one or more"

9. Page 2, line 2.

Following: "them"

Strike: "will"

Insert: "may not"

10. Page 2, line 3.

Following: "similar"

Strike: "profession, trade or"

11. Page 2, line 5.

Following: "thereof"

Strike: "any state or territory of the United States or the District of Columbia or any part or parts thereof. However, such an agreement may not be made as to a profession or occupation for which a license is required under Title 37"

Insert: "the state of Montana or any part thereof"

AND AS AMENDED
DO PASS

DAVE BROWN,

Chairman.

ROLL CALL VOTE -----

JUDICIA

COMMITTEE

		Date: 1/18 No: HB 220 Table	Date: 1/18 No:HB 245 Amendment	Date: 1/18 No: 245 Delay	Date: 1/18 No: 245 Do Pass As Amended	Date No:	Date No:
BROWN, Dave	Yes	Yes	No	No	Yes		
ADDY, Kelly	Yes	Yes	No	No	Yes		
BERGENE, Toni	Yes	Yes	No	No	Yes		
BROWN, Jan	Yes	Yes	No	No	Yes		
CURTISS, Aubyn	No	Yes	Yes	Yes	No		
DAILY, Fritz	Yes	Yes	-	-	Yes		
DARKO, Paula	Yes	Yes	No	No	Yes		
EUDAILY, Ralph	Yes	Yes	Yes	Yes	No		
FARRIS, Carol	-	-	-	-	-		
HANNAH, Tom	No	Yes	-	-	No		
IVERSON, Dennis	No	Yes	No	No	Yes		
JENSEN, James	Yes	Yes	No	No	Yes		
KENNERLY, Roland	Yes	Yes	Yes	Yes	No		
KEYSER, Kerry	No	Yes	No	No	Yes		
RAMIREZ, Jack	No	Yes	No	No	No		
SCHYE, Ted	Yes	Yes	No	No	Yes		
SEIFERT, Carl	No	-	-	-	No		
SPAETH, Gary	Yes	Yes	No	No	Yes		
VELEBER, Dennis	Yes	Yes	Yes	Yes	Yes		12-6
	17 - 0	4 - 11					12-6

Recd. Wed. Dec. 15th, 1982

MEMORANDUM

TO: Paul Pistoria

FROM: Neil Ugrin

RE: Proposed Changes in Title 53, Chapter 24 of
the Montana Codes Annotated

December 13, 1982

Paul -

With regard to the addition of a Good Samaritan law as
~~53-24-107(3)~~ I would comment as follows.

The purpose of this law, as it appears from the face of it, is to request in some instances and apparently require in other instances that the law enforcement agencies of the State of Montana will come to the aid of intoxicated persons and persons incapacitated by alcohol.

Apparently we think this is very worthy objective but unfortunately it brings with it some legal problems which are both substantial and broad in scope. There will be a considerable number of people involved making efforts to assist the intoxicated person or the alcoholic. In addition to police forces, it will include persons in emergency rooms of hospitals and persons who staff public and private treatment centers.

In order that the intent of the law be carried out and that the persons who can be most helpful to the intoxicated person or the person incapacitated with alcohol, they should not feel they are doing so at the risk of great civil liability. I have thus drafted this little section to provide a "Good Samaritan" type of protection for those who are helping the intoxicated or those appearing to be incapacitated by alcohol. That means if they act in good faith, they won't be subject to claims of civil liability. That is to say,

for my testimony
612 53-24-107 ~~(3)~~ new
E 53-24-109 (2) new
sub-section

Exhibit A
HB 170

1/18/83

a simple mistake on their part in attempting to assist the intoxicated person will not render them liable to answer in damages. I am fearful that once the persons involved in administering this program in assisting the alcoholic become aware of potential civil liabilities that the answer to the problem will become plain. It is contemplated that they will simply overlook these people and will not render the type of aid and assistance which the law appears to require out of a fear, perhaps well justified, of incurring civil liability.

All of the experts who deal in intoxicated people tell us that they are often very agitated and belligerent. Thus, dealing with them is not likely to be an easy task in all instances.

By providing this type of protection for those who help the alcohol, I think we will (a) encourage people to follow the requirement of the law, and (b) not be putting those who are attempting to help the alcoholic or persons incapacitated by alcohol in a predicament where they are exposed to unnecessary suit. Thus, I think this amendment helps not only the alcoholic but also the person who may be rendering assistance.

IN 53-24-107(2)

24-107(3)
With regard to the amendment which I proposed in ~~53-24-305(7)~~, that is the adding of paragraph (7) as a new section, all that points out is that in a number of Montana counties and in fact, most of them, there may not be an approved public treatment facility and perhaps not an emergency room of a hospital either. In certain instances in all counties neither of these facilities will be available. Since the requirements of the law appear to be mandatory, that is that certain things appear to be required to be done for incapacitated persons, this particular amendment allows those who are helping the incapacitated persons to exercise their good judgment in assisting these persons when either an emergency room or a public treatment facility may not

be immediately available. This may be due to a number of factors including weather, time of day, and the rest. Again, if this section of the law is going to work and if the law enforcement persons and others are going to be actively involved in helping the alcoholic, they should not be forced to meet impossible or non-existent standards, particularly when money to provide the facilities and the care seems to be sparse or non-existent.

Again, this chapter allows people to use their common sense and good judgment in providing aid and assistance to intoxicated persons or persons incapacitated by alcohol when the facilities mentioned in the remainder of that section are not or may not be readily available as undoubtedly will occur on many occasions.

I hope the above is of assistance to you in demonstrating the need for these necessary bills.

Amendment

WED. DEC. 01/17/82 - ~~provides~~ meeting
Mike Murray attended

~~53-24-303 (7) to 53-24-302~~

INSTEAD IN SECTION 53-24-107-(2)

If the facilities or services

Exhibit B

HB170

1/18/83

described in paragraphs (1) thru (6) of

this ~~section~~

ARE not readily available,

other reasonable measures consistent

with the intent of this

chapter may be taken.

FRI - DEC. 10th, 1982

INTRODUCED Bill to Diana Daubing
in Helena -

Paul S. Pistoria, State Rep.

you may call Neil Grinn - 761-4800

or

Fred Bourdeau, Co. Atty - 761-6700

to verify or questions

WED. DEC. 8th, 1982 - Providence Meeting
Mike Murray attended

Amendment - Addl

~~§ 3-24-307~~ INSTEAD IN SECTION 53-24-107-(3)

Any person or entity, who ^{is} ~~is~~ within the
provides or attempts to provide
assistance, service or treatment to
or for intoxicated persons or
persons incapacitated by alcohol,
who does so in good faith, shall
not incur civil liability there by.

written up Neil again, atty
OK'D by Fred Bourdeau, Co. atty
FRI. DEC. 10, 1982, Bill to Diana Daubing,
in Helena. ^{INTRODUCED}
you may call Neil again. 761-4800
or

Fred Bourdeau - 761-4700

to verify or question.

Paul S. Pistorio - State Rep.

Mr. Chairman, I would

be amend HB 245 as follows:

Page 1, line 20: strike the
reminders of sections 1 &
giving with "However,"

Page 2, line 1: strike "or
in anticipation of a"

Page 2, line 7: strike the
reminders of sections 1
beginning with "However,"

Page 2, line 2

strike "more"
each day are a number
after: "will"
insert: "not"

Kelly Alday

Exhibit
7 R

7/18/83 C

Amendments to HB 245

Exhibit D

HB 245

1/18/83

1. Title, line 6

following: " COMPETE "

STRIKE: "AND TO PROVIDE THAT SUCH CONTRACTS MAY NOT COVER LICENSED PROFESSIONS AND OCCUPATIONS

Insert: AND TO PROVIDE THAT ~~CONTRACTS~~
~~TO COMPETE~~ WHEN SUCH CONTRACTS CONCERN PARTNERSHIPS THEY MAY ONLY BE MADE UPON DISSOLUTION OF PARTNERSHIP" (15)

2. page 1 following line 13

strike: "profession, trade, or"

3 page 1 following line 15

strike: "similar profession, trade, or"

4 page 1, lines 16 and, 17 and 18

& following "part"

strike: any state or territory of the United States or the District of Columbia or any part or parts

Insert: "the state of Montana or any part"

page 1, lines 19 and 20

following: "like"

strike: "profession, trade, or"

page 1, lines 20-23

following: "therein."

strike: "However, such an agreement
may not be made when the seller
is selling the goodwill of a
profession or occupation for which
a license is required under
Title 37."

page 2, line 1.

following: "upon"

strike: "or in anticipation of a"

insert: "dissolution of

page 2, line 2

following: "that"

strike: "none"

insert: "one or more"

page 2, line 2

following: "them"

strike: "will"

insert: "may not"

VISITOR'S REGISTER

HOUSE JUDICIARY

COMMITTEE

BILL House Bill 170

DATE 1/18/83

SPONSOR Rep. Pistoria

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE JUDICIARY COMMITTEE

BILL House Bill 220

DATE January 18, 1983

SPONSOR Rep. Hannah

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.