

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION
COMMITTEE
MONTANA STATE SENATE

March 22, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on March 22, 1983 at 1:02 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called. Senator Etchart, Elliott, Shaw, Tveit, Graham, Stimatz and Daniels were present. Senator D. Manning was absent. Senator Hager was excused.

HOUSE BILL NO. 636: Hearing commenced on House Bill No. 636, introduced by Representative Peck. This bill requires filing of a flight plan for each flight carrying passengers, originating at a Montana Airport, and to be flown under visual flight rules farther than 250 miles (VFR). This is a very necessary and simple bill. But, I have heard rumor of a lot of objections to it. The bill has three important provisions. Representative Peck read from the bill. He handed out Exhibit No. 1, a report from the Department of the Air Force on Aircraft Incidents, Missions. He read section 5 to the committee. "5. having a flight plan on file was the single most significant factor in locating an overdue aircraft quickly. Since there is a direct correlation between the time required to locate a victim and that victim's survival, filing a flight plan remains one of the best insurance policies a pilot can have.

Representative Peck then went over the chart at the bottom of Exhibit 1. If you do have a flight plan, and you do have trouble, it would be extremely important that they had filed a flight plan, in terms of survivors. Again, there are just three important things, a flight plan must be filed if you are carrying passengers, going over 250 miles and the flight originates in Montana from a public airport. With that I will turn this over to Nina Myhre, who will tell you of their experiences within their family.

Nina Harrison Myhre spoke in support of House Bill No. 636. Mrs. Myhre passed out Exhibit No. 2 to the committee. On November 2nd, 1982 at 12:30, my brother left Helena with his friends Wolfgang Pogzeba and his wife and son, for Taos, New Mexico. Wolfgang neglected to file a flight plan. They were due in Taos at approximately 6:30 p.m.. Before they left they took me over their flight path. I filed this in my memory and went home. Then, 48 hours later I received a call from Wolf's mother. She wanted to speak to Wolf. I told her Wolf was home, and she said no. I immediately called the flying service in Helena and told them the plane did not arrive and asked them what to do. They made calls around and twelve hours later, we were sure the plane had never landed any place. My father started an air search and we searched for two weeks. Six of those flying days

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were unsearchable. Three days after the plane went down, the snows hit, and they have had the worst winter they have ever had. Had a flight plan been filed, approximately three hours after they did not arrive, they could have begun looking for the plane. A lot goes into searching for downed planes. One important thing is the ELT. Unfortunately that beeper sound goes only from 36 to 48 hours, as their battery runs down. Needless to say, we were not even looking within that 48 hour period. Our family has had a hard time accepting this. Three weeks ago we were down south, looking and looking and asking. And, it came to record, that on Thursday, a downed plane did radio for help, giving information that the crash was on Tuesday. If they had been in the air, somebody would have been found.

John Harrison, spoke in support of the bill. He told the committee he is the father of Pat. Pat was a page in the Senate. It is not easy to talk about this. It is a simple bill. We think it is a bill that will prevent another Montana family from going through what we have gone through. It's just about as simple as that. I have heard a lot of rumors about some objections on this bill. One of the objections is the so called pre-emption of the federal government. Because much of these objections have been raised since we appeared in the House, we spent many hours since then researching this. I am naturally an independent person. The federal government is pre-empting everything we do. That is not my ball game. Some other states have had the same feelings about this pre-emption. He cited other legal cases regarding pre-emption.

Mr. Harrison told the committee the sole purpose of this bill is the safety of air passengers. It requires that a pilot carrying passengers on a flight of 250 miles or more originating from a Montana public airport file a flight plan. Every pilot agrees that it is a sound idea to file a flight plan, which tells where you are going, when you expect to arrive, and whether there are passengers aboard. But when a pilot has failed to file a flight plan, it can and has cost lives. Filing a flight plan is a free and simple procedure. It can be filed in either of two ways: by a collect telephone call, or by radio aboard the airplane. At the conclusion of the flight, the same free and simple procedure is used to close the flight plan. As you consider House Bill No. 636, keep these things in mind. This law only applies when there is a passenger aboard. This law only applies for distances over 250 miles and does not apply to such activities as: crop dusting, short scenic tours, or flying on your own farm or ranch. This law does not apply to flights originating outside Montana. This law applies only to flights originating from public airports. All pilots employed by the State must file a flight plan for all flights of more than 100 miles. Most passengers aboard a flight either assume that a flight plan has been filed or do not know about flight plans.

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The purpose of the flight plan is primarily to provide a means of letting someone know when a plane does not arrive safely at its destination so that a proper search and rescue operation can be started immediately. Attached is a newspaper account of a recent tragedy involving a downed aircraft for which no flight plan was filed. As you will see, it was over 48 hours before the plane was reported missing and search efforts began. If a flight plan had been filed, search and rescue operations could have begun immediately and survivors possibly found. See Exhibit 2 for newspaper articles.

House Bill No. 636 will not stop accidents from happening, but it can save the lives of innocent passengers who rely upon the skill and experience and judgment of pilots with whom they fly. The arguments presented against this bill suggest that opening and closing flight plans may sometimes be inconvenient. We suggest to you that this is no argument compared to the interest in the safety of innocent passengers. I urge you to pass this bill and would be glad to answer any questions you may have.

Bill Sternhagen, Helena Attorney, representing himself spoke in support of House Bill No. 636. I do believe in this law. This law is in other states. I spent quite some time going over these laws. The power of Congress over aerial investigation is not exclusive. The law concerning flight plans is not exclusive. I firmly believe that a state can pass a law, as we are attempting to do, to file a flight plan whether it is IFR OR VFR. I was in the Military, and we were always required to file a flight plan. It seems to me if it is a proper thing for the military to do, it would be a proper thing for other private pilots to do. Please do not decide against this bill in regard to the question of federal pre-emption. I think this bill should pass and urge you to do so.

Representative Ron Miller, Great Falls, spoke in support of House Bill No. 636. As some of you know, I came to Montana in 1965, as a fighter pilot in Glasgow. When I arrived in Glasgow, two of the town's three doctors had just been killed in a light aircraft accident. Because they did not know where they had gone, they died of exposure. I do know that when I was in Glasgow, we figured out if we had an accident in that area, our survival chances were not very good because of the extreme cold weather. I believe this is a good bill. We all know it is necessary and just as easy to tell people where you are going by VFR versus IFR. I would be glad to answer questions.

Representative Ted Schye, Glasgow, spoke in support of the bill. He told the committee it is not quite as cold up in Glasgow as Representative Miller indicated. He told the committee he has been a VFR pilot for 17 years. The first time I looked at this bill I was against it, but then after some thought, I thought it was a good idea. I file one all the time. But,

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I have other reasons for supporting this bill. There is a lot of talk about centralizing our flight stations in Eastern Montana. They determine the closure of a flight station by it's use. How many telephone calls, how many people come in and get weather information, how many people file flight plans, etc. If this bill passes, it will help to get more people to file and maybe we can keep these stations operating. For those reasons I support this bill.

Stan Kaleczyc, appearing on his own behalf. The most important part of this bill is the safety of passengers. If a pilot wants to risk his own life that is his own business, but the safety of passengers is another matter. This committee has a responsibility to the passengers. This committee has a responsibility to investigate downed planes as soon as possible. I urge you to pass this bill.

Holly Kaleczyc, appearing on her own behalf told the committee she called the National Safety Transportation Board to find out what they thought about flight plans. They do not have any authority. Their responsibility is to investigate when it went down.

Eric Myhre, spoke on his own behalf in favor of House Bill No. 636. He did not want to go over the same things that other proponents had stated, but wanted to remind the committee that there is no cost to file a flight plan. I urge your support.

There were no further proponents to House Bill No. 636.

Charles M. Jarecki, Polson, MT, spoke in opposition to House Bill No. 636. He spoke from prepared testimony. See Exhibit No. 3. Flight plans should remain voluntary, the need depending on the flight circumstances. Weather changes can cause a new route of flight, making a flight planned route useless. Other persons notified of pilots flight plans can serve same purpose as a formal FAA Flight Plan. Enforcement not possible anyway. The filing of a flight plan will not change a pilots ability to make sound judgements. The FAA already has more than enough rules and regulations to attempt to protect pilots from themselves. To start on the state level, with various states enacting their own flight laws and regulations would serve no useful purpose. Non-radio equiped aircraft, or flights into remote areas would be unable to satisfy the intent of this bill. I am a commercial, instrument rated pilot, and aircraft owner, flying mostly VFR. I have 24 years of flying experience from coast to coast and from Texas to Northern Canada with an accident free record.

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Senator Lee spoke in opposition to House Bill No. 636. He told the committee a lot of pilots oppose this bill. I think this bill is out of line. We are looking at a bill that if passed will cause more harm than good. Whenever you mandate a pilot to file a flight plan, you will see a lot of haphazard and lax plans filed. Every plane does not have a radio, and some of the ones that do, sometimes that radio works and sometimes it does not. You have to get up to 10,000 feet to use the radio. And, in the winter we carry survival on the plane. ELT is a good piece of equipment, but if they are going to stake their life on it, stake it only as long as the battery is going to last. I think the ELT is good, but an over rated piece of equipment. This is an over reaction to a sad situation for one family.

Philip E. Timm, Polson, MT., spoke in opposition to House Bill No. 636. From a flight instructors view of plus 30 years, I feel the bill unnecessary. It should be the right of the pilot to take care of his flight as desired. Over the years, none of my many students of all levels has had problems. Proper student instruction is more important for a guideline. Closing a flight plan could be inconvenient if not impossible, especially with no radio aircraft. I have a no radio sea plane, that would be an example. Why spend the tax payers money for something that can't be enforced.

There were no further opponents.

Senator Shaw stated he thought it was already the law to file a flight plan.

Representative Peck said no.

Senator Shaw said his instructor insisted on filing a flight plan.

Senator Elliott asked what was intended in regard to penalty provisions.

Representative Peck said there were penalty provisions in the bill as originally drafted, but they were removed in the House with the hope that the bill would go through.

Senator Shaw stated he did not see how we could make this a law without a penalty, and I am opposed to a penalty.

Mr. Jarecki said he could leave a notification with personal acquaintance as official flight plan. In regard to Canada, you can fly in Canada if you have notification with responsible person.

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Nina Myhre told the committee she was notified where they were flying and the FAA said that was not good enough. My knowing where they were going had no bearing on finding them.

In closing, Representative Peck said he thought we have gotten our eye off the ball. A lot of what has been said is not significant. All this bill says is, if you are carrying passenger, and going over 250 miles with those passengers, departing from a Montana airport, you must file a flight plan. This will protect the passenger. I wish we could have the penalty in the bill, but at least the bill as it is will do something positive. This bill is to help save human lives. As far as the federal pre-emption is concerned. We do have the right to pass this law. Sound judgement dictates a flight plan, its simple common sence.

HOUSE BILL NO. 479: Representative Farris sponsored this bill. The hearing commenced. House Bill No. 479 is legislation that will give the Department of Health and Environmental Sciences the authority to license and regulate air ambulance services. This will minimum uniform standards for operation of air ambulance services in order to prevent or eliminate improper care by such services. Air ambulance service means a person who provides air transportation for persons who need medical service in route to hospital. It applies to the person who provides transportation by air for those who are ill, injured, wounded or otherwise mentally or physically incapacitated or helpless, who requires medical supervision during flight, and when the physician states the patient cannot be safely transported on a commercial or charter flight.

Representative Farris said the minimum standards for air ambulance service equipment, staff training and level of competence, medical treatment, recordkeeping, insurance, sanitation, and any other operational requirements necessary to protect the health of individuals served by an air ambulance service.

The patients and their care are the most important issue of this legislation. There are presently no standards for air ambulances in Montana. This bill addresses those situations where medical care is required in route. This bill addresses the medical equipment and attendants. They could be on loan from physicians or medical hospitals. This bill would not apply in emergency situations.

Representative Farris read a letter from St. Pat's Hospital in Missoula, to the Committee, in support of this legislation. They specifically requested this legislation.

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Drew Dawson, representing the Emergency Medical Services Bureau, Department of Health and Environmental Sciences read from prepared testimony, see Exhibit 4. His testimony is in support of House Bill No. 479.

Judy Carlson, Deputy Director, SRS, spoke in support of House Bill No. 479. She read from prepared testimony, see Exhibit 5.

Nils A. Troedsson, member of the Air Ambulance Committee, Montana Emergency Medical Services Association, spoke in support of House Bill No. 479. He read from prepared testimony, see Exhibit No. 6. He presented the committee with a letter of support from Barrett Memorial Hospital, Dillon, MT., signed by four doctors. See Exhibit 7.

Duane Larson, Chairman of the Emergency Medical Services, Kalispell, MT spoke in support of House Bill No. 479. He read from prepared testimony, see Exhibit 8.

There were no other proponents to House Bill No. 479.

Andy Morris, Dillon, MT spoke in opposition to House Bill No. 479. I think there are some dangers in the bill as it is written. I have a fear of an agency regulating this. In Dillon, we cooperate with the physician and the hospital and if equipment and attendants are needed, they provide them, and we in turn return it to them. We do care about these people, and want them delivered safely.

Jeff Morrison, spoke in opposition to HB479. There are two types of air ambulances. Those that hire out as providing medical care and those who don't. We provide the transportation. We are not interested in practicing medicine. We believe the attending physician should see that the patient is properly cared for. The bill as it is written, is not acceptable. We should be able to operate as medical transportation of some type under supervision of physician. In the Statement of Intent, (C), it says, "Do not hold themselves out to the public as being capable of providing air ambulance service through advertisement or contract." This will force them to become licensed. It will force a lot of us to go out of business. I have a contract with the Veterans Hospital, where we provide the transportation and pilot and the hospital provides the medical care. Item "(C)" should be stricken from the Statement of Intent. This legislation will drive them out of business, particularly in the small communities, where they do it as a public service and are not making any money doing it. Some of these small communities have only five or six flights a year. I don't make any money, in the first place by doing this and I am not going to mess around with license fees and regulations and go to the expense of having all the equipment they say I should have. He presented the committee a letter from the Hawkins-Lindstrom Clinic

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from Helena signed by several physicians. See Exhibit No. 9. He read this to the committee.

Robert A. Palmersheim, President, Montana Aviation Trades Association spoke in opposition to House Bill No. 479. He read from prepared testimony, see Exhibit No. 10.

Jerry Mamuzich, representing Minuteman Aviation, spoke in opposition to HB479. A lot of our work is for the Forest Service. They require that we be able to transport stretchers. We provide whatever the contract call for.

Other opponents who did not speak but gave prepared testimony in opposition to House Bill No. 479 were:

Eugene Cowan, Board of County Commissioners, Phillips County, see Exhibit No. 11.

Victor Wokal, Wokal Flying Service, Glasgow, MT. See Exhibit No. 12.

Dale M. Enerson, Supervisor, Phillips County Ambulance Service, Malta, MT see Exhibit No. 13.

Gene C. McCracken, Administrator, Phillips County Hospital, Malta, MT, see Exhibit 14.

Eugene L. Mendel, Mendel Flying Service Inc., Box EE, Malta, MT. See Exhibit 15.

William Leory, representing the Montana Hospital Association spoke neither in opposition or in support but offered comments and an amendment. See Exhibit 16 for the amendment. If you will refer to the fiscal note, you will see that there are 29 air ambulance services to license, at \$5 a piece, that will bring in \$145. But there will be \$16,335 in expenses. The license fee will be established by the Department of Commerce. That means they will want to raise the fee to \$343 to cover their expenses. It seems to me that the fees might be raised to \$300, \$400, \$500 or whatever, and will force the air ambulances to go out of business. Maybe Billings, Missoula, etc can afford these license fees and all the special equipment they need, but the smaller communities cannot.

Myron K. Strand, Board of Aeronautics and Strand Aviation, told the committee the Board voted against this bill. There are three reasons. One, there is no need. Second, it will put small air ambulance people out of business and three, there will be less or no air ambulance available, which will drive the cost of it up.

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There being no further discussion, hearing on House Bill No. 479 was closed.

ADJOURN: The committee adjourned to the Senate Floor and Senator Etchart asked that the committee meet again upon Senate adjournment.

MEETING CALLED TO ORDER UPON ADJOURNMENT AT 6:05 p.m., in Room 410 of the State Capitol.

ROLL CALL: Roll was called with all Senator's present.

ACTION ON HOUSE BILL NO. 479: Senator Graham said he thought the bill was a bad bill.

Senator Elliott made the motion that Senate Bill No. 479 BE NOT CONCURRED IN. The motion passed unanimously.

ACTION ON HOUSE BILL NO. 636: Senator Etchart opened discussion on this bill. He said Congress should pass legislation, or the FAA, but not the states. Airplanes cross state lines quickly, and if each state has a different set of laws, it would be too confusing.

Senator Elliot asked if we could amend the distance to 500 miles, and make it intra-state. No, I guess that is not a good idea, as I see the House amended it from 100 miles to 250 miles. I really sympathize with Judge Harrison's family.

Senator Shaw commented he had no strong feelings about this, as when he went to flight school, it was a must. There is no penalty and there is no way they can enforce this. Maybe this law would get more people to file a flight plan.

Senator Elliott told the committee that the pilots in his area call their flight plans into the Sheriff's Department.

Senator Shaw said it should be the duty of the pilot to file a flight plan.

Senator Elliott said he wondered how much is being brought on by logic or emotion concerning this bill.

Senator Graham said he thought this bill was an encouragement . to file a flight plan.

Senator Etchart said a flight plan is useless, as you can wonder all over the skies, and still have a flight plan. What will happen legally if there is a law suit over this.

Senator Daniels said there could possibly be a charge of negligence.

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Senator Daniels made the motion that House Bill No. 636 BE CONCURRED IN.

A roll call vote was taken. The motion passed with all Senator's voting yes accept Senator Etchart who voted no.

ACTION ON HOUSE BILL NO. 9: Senator Tveit said he had some serious concerns about how its all laid out and also has concerns about Gary Wicks wanting to get more authority. I think he wants to tell the commission what to do, where to put roads and where not to put roads. I think the sufficiency level will be where Wicks wants it to be. Are we moving too fast all at one time. For those reasons I am going to vote against it. I feel we are moving too fast. The department will do what they want. The department will draw up the sufficiency levels. We should be careful in how we come out with this bill.

Senator Daniels said, didn't we just pass a bill to put authority back with the commission. I share the same concern that Senator Tveit has.

Senator Tveit said don't they use sufficiency ratings without this bill. They have to use something.

Senator Stimatzi said, I think they are just beginning the program. They are finally beginning to act like they are working. Before, they just seemed to do nothing and spent money and I think they are trying to shape up.

Senator Tveit said we have got a lot of Legislator's that are not happy with the transfer from twelve to five districts and now the shuffling of money. I don't know, I think we are moving too fast. We are trying to make a perfect thing out of an imperfect thing. I have problems with this.

Senator Graham said, I think we finally voted to put the decision making authority back into the Highway Commission and I think it belongs there. I didn't oppose cutting the districts down, but it says right in the title of the bill, that the authority is with the Department of Highways. I don't know how much say the commission will have over the sufficiency ratings.

Senator Elliott asked to committee to look at the language at the bottom of Page 1, starting with the word "Prior" and on to Page 2, ending with the word "biennium." on line 7. What happens under this language. They prepare their ratings of the highways as they do every year and they determine the levels and it ranges from 10% up to 70%. Now those are the ranges that the Highway Commission has available to it. Then, the commission as a body can determine that anything from 0-30% is critical, or they can change it.

Then they can determine what the adequate miles are. Now the rest of the bill tells about how the funds will be delegated. Before this, everything was based on the adequacy. Senator Elliott read the old law. At the interim committee hearings we recognized there are some roads that are worse than others. 50% should be allocated to critical mileage roads in the state wherever it might be. We were concerned with what is called a critical mile. We felt that 50% should be put toward the critical miles. However, the House in its wisdom ammended that down to 25% for critical and 75% to other things. Its a matter of whether or not you want the critical roads taken care of. I suggest to you why should not 100% be allocated to critical mile roads. If we kill this bill we are ignoring the critical mileage in Montana. As you funnel the dollars into the critical miles, eventually those will balance themselves out and won't create an unbalanced road system in the state.

Senator Shaw made the motion that House Bill No. 9 BE CONCURRED IN. I think this is a step in the right direction. We better get something done.

Senator Stimatzi said he is willing to give them this one chance, because you have to start somewhere. By next session we will have a chance to see what they have done, and might have to take different steps then. They will have a lot of money that will enable them to get some roads done, and we'll see what they do.

A roll call vote was taken. The motion of Senator Shaw's passed unanimously, with Senator Tveit voting no.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 7:15 p.m.

Mark Etchart

Senator Mark Etchart
Chairman

ME/cdf

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

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Date 3/24/83

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ROLL CALL

Meeting upon
adversaries

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 47th LEGISLATIVE SESSION -- 1983

Date 10/21/18

Please note bill no.

|| (check one)

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DATE:

3/22/83

HITTEE ON

Highways

VISITORS' REGISTER

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

March 22, 1983

Summary of House Bill No. 479: Introduced by Representative Farris, by request of the Department of Health and Environmental Sciences.

This bill establishes procedures for regulation of air ambulance services by the Department of Health and Environmental Services. Section 3, which gives the Department rulemaking authority, is effective on passage and approval and the remainder of the bill is effective on October 1, 1983. An air ambulance service existing on October 1, 1983, must submit a license application by November 30, 1983. The annual license fee is \$5.

SUMMARY OF HOUSE BILL NO. 636: Introcued by Representative Peck.

This bill requires filing of a flight plan for each flight carrying passengers, originating at a Montana Airport, and to be flown under visual flight rules farther than 250 miles.

SUMMARY OF HOUSE BILL NO. 698: Introduced by Representative Stobie.

This bill gives the Highway Patrol primary responsibility for enforcement of safety standards under 69-12-201 (1) (f) which covers vehicle over 26,000 pounds gross weight, except farm vehicles based in Montana, and for making inspections at the request of the carrier. The bill provides that inspection may be made at the vehicle's domicile or at a designated location at an appointed time and that a vehicle found to be in conformance may not be inspected again until the next required periodic inspection unless a nonconformity is apparent.

SECTION III

Aircraft Incidents/Missions

1. Aircraft incidents/missions constitute the bulk of our activity. While ELTs are closely linked to aircraft, there are some distinctions. For the purposes of this report, ELTs will be addressed in Section IV.

2. An aircraft mission usually begins as an incident. Incidents can be generated via an FAA Alert Notice, an inflight emergency, or low flyer (sightings) reports. The AFRCC resolved 1,556 alert notices (ALNOTS) without opening a mission in 1981. Of these, 1,556 ALNOTS:

- 1,444 were located nondistress on the ground
- 87 were located nondistress while still airborne
- 22 were located in distress as the result of a crash
- 3 were located in distress as the result of a force landing

Inflight emergencies accounted for 605 more incidents; 118 civilian, 29 commercial, and 458 military aircraft were involved - all landed safely and were therefore resolved in the incident stage. The sighting of miscellaneous distress signals and low flying aircraft reports generated 123 more incidents. Aircraft wreckage previously identified and unreported aircraft established 101 more incidents.

3. The overwhelming majority (84%) of ALNOTS were linked to nondistress situations. This fact again points out the problems caused by pilots not closing flight plans, not filing flight plans, and not understanding flight handling procedures. The use of otherwise needed resources and the "crying wolf" syndrome cannot help but have a negative effect on the entire SAR system. Of the 2,882 aviation incidents handled by the AFRCC, 2,580 or 90% were resolved prior to going to mission.

4. Aircraft incidents that cannot be quickly resolved (usually less than 2 hours) go on the mission stage, when SAR forces are alerted and a physical search is begun. A total of 302 aircraft missions were opened in 1981.

5. Having a flight plan on file was the single most significant factor in locating an overdue aircraft quickly. Since there is a direct correlation between the time required to locate a victim and that victim's survival, filing a flight plan remains one of the best insurance policies a pilot can have.

6. Figure 5 presents the 1981 statistics by flight plan type. While the flight plan type doesn't affect the probability of survival on aircraft impact, it certainly does affect the victim's continued survival after the crash. Approximately 60% of light aircraft crash survivors are injured and only 20% of those injured survive beyond 24 hours. Of the 40% who survive the impact uninjured, only 50% survive beyond three days. After three days, the survival rate rapidly diminishes. These sobering statistics may be overlayed on the average times to locate aircraft by flight plan types and conclusions may be drawn as to the advisability of filing a flight plan. The impact of ELTs as they relate to shortening these recovery times will be addressed later. Figures do not include suspended mission activity.

AVERAGE TIME TO LOCATE MISSING AIRCRAFT

BY TYPE FLIGHT PLAN

| | IFR FLIGHT PLAN | VFR FLIGHT PLAN | NO FLIGHT PLAN |
|---|--------------------|--------------------|-------------------|
| Last Known Position to AFRCC Notification | .7 Hours | 7.6 Hours | 14.1 Hours |
| Notification To Location | 8.5 Hours | 16.9 Hours | 27.8 Hours |
| Total Time | 9.2 Hours | 27.8 Hours | 41.9 Hours |

Fig 5.

TO: MEMBERS OF THE SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE
FROM: THE FAMILY OF JOHN C. (PAT) HARRISON

H.B. 636 -- A BILL TO PROTECT AIR PASSENGERS

H.B. 636 has as its sole purpose the safety of air passengers.

It requires that a pilot carrying passengers on a flight of 250 or more miles originating from a Montana public airport file a flight plan.

Every pilot agrees that it is a sound idea to file a flight plan, which tells where you are going, when you expect to arrive, and whether there are passengers aboard. But when a pilot has failed to file a flight plan, it can and has cost lives.

Filing a flight plan is a free and simple procedure. It can be filed in either of two ways: by a collect telephone call, or by radio aboard the airplane. At the conclusion of the flight, the same free and simple procedure is used to close the flight plan.

As you consider H.B. 636, keep these facts in mind:

1. This law only applies when there is a passenger aboard.
2. This law only applies for distances over 250 miles and does not apply to such activities as:
 - a. crop dusting
 - b. short scenic tours
 - c. flying on your own farm or ranch.
3. This law does not apply to flights originating outside Montana.
4. This law applies only to flights originating from public airports.
5. All pilots employed by the State must file a flight plan for all flights of more than 100 miles.
6. Most passengers aboard a flight either assume that a flight plan has been filed or do not know about flight plans.

The purpose of the flight plan is primarily to provide a means of letting someone know when a plane does not arrive safely at its destination so that a proper search and rescue operation can be started immediately. Attached is a newspaper account of a recent tragedy involving a downed aircraft for which no flight plan was filed. As you will see, it was over 48 hours before the plane was reported missing and search efforts began. If a flight plan had been filed, search and rescue operations could have begun immediately and survivors possibly found.

H.B. 636 will not stop accidents from happening, but it can save the lives of innocent passengers who rely upon the skill and experience and judgment of pilots with whom they fly. The arguments presented against this bill suggest that opening and closing flight plans may sometimes be inconvenient. We suggest to you that this is no argument compared to the interest in the safety of innocent passengers.

PLASE VOTE FOR H.B. 636.

Thank you.

Justice's son described as avid outdoorsman

By KEITH HAUGLAND
Tribune Staff Writer

"If anybody can survive this, it'll be Pat," a worried Montana Supreme Court Justice John C. Harrison said Friday.

John C. "Pat" Harrison Jr., with three New Mexico residents, is missing after the twin-engine plane they were flying in presumably went down somewhere between Durango, Colo., and Taos, N.M., Tuesday evening.

The elder Harrison is basing his optimism on his son's physical condition and training as an outdoorsman. The younger Harrison, a

former smokejumper, is a distance runner and weightlifter with considerable experience in outdoor survival and first aid.

Because no flight plan had been filed when the four left Helena Tuesday, the search for the missing people was delayed by about 48 hours, a family friend said Friday.

Friday, a dozen Civil Air Patrol planes in Colorado, eight in New Mexico, as well as two helicopters were searching a route likely to have been taken by the four.

Despite lack of a flight plan, the plane is believed to have taken a route from Helena to Pocatello,

Idaho, to Ogden and Price, Utah, to Grand Junction, Colo., and southward to Taos, N.M.

The plane was last heard from near Durango making radio contact at 5:30 p.m. Tuesday with the Colorado Springs airport.

The Federal Aviation Administration is attempting to run a "radar retrack" to pinpoint the location, according to an FAA spokeswoman.

"The weather is the only thing now that we have that might have been a problem," said Don Cooper, New Mexico State Police air coordinator. "We had bad weather Tuesday (between Chama and Taos in New Mexico). It was snowing in the

area ... and high winds."

Searchers have not been able to detect any emergency locator beacon.

The six-passenger Cessna was owned and piloted by Wolfgang Pogzeba, a New Mexico artist, sculptor and land speculator. Pogzeba had reportedly purchased the aircraft just two weeks ago.

Other passengers include Pogzeba's wife, Wenan; their 6-month-old son and Harrison.

Harrison, according to his father, was returning to New Mexico to drive a truck back to Helena for Pogzeba. He planned to attend the wedding of a family friend in Helena

today.

Pogzeba was scheduled to complete the purchase of a shopping center in New Mexico today.

Pogzeba and his wife, an ex-Olympic skater, are also thought to be in excellent physical condition.

"All of Pat's friends tend to be in good condition," said Larry Epstein, a Cut Bank attorney and backpacking partner of Harrison. "They have to be in order to keep up with him."

Great Falls attorney Randy Gray echoed Epstein's words.

"If they were able to come in somewhere," Gray said, "I'm sure they'll be alright."

"If there was anyone I'd want to

be in a pickle with," he said, "it be Pat."

Another of Harrison's backpacking partners, Dr. John Wallace Cut Bank, has offered his services a physician is needed in the search.

Harrison was associated with Gray when he practiced law in Great Falls from late 1978 to 1981. He returned to Helena to work with his brother-in-law Eric Myhre, who has extensive business holdings there.

He is a native of Helena who received an accounting degree from the University of Montana in 1973, a law degree from UM in 1977 and a master's degree in tax law from Boston University in 1978.

Son of court justice aboard missing craft

HELENA (AP) — A search began Thursday in southwestern Montana for an overdue plane carrying the son of Supreme Court Justice John C. Harrison and three other people, the Montana Aeronautics Division said.

The Taos, N.M.-based plane, carrying Harrison's son, John C. Harrison Jr., and pilot Wolfgang Pogzeba and his wife and son, reportedly left Helena Tuesday, a division spokeswoman said.

She said the plane is reported

overdue at its destination, which apparently was Taos, and an extensive eight-state search was initiated.

She said search efforts were not immediately begun because there is no record of a weather briefing being requested nor of a flight plan having been filed with the Federal Aviation Administration.

The Montana Aeronautics Commission is conducting its search between Helena and Monida Pass on the Montana-Idaho border south of Dillon.

The younger Harrison practiced law in Great Falls from late 1978 through 1981, then returned to Helena. He has been associated in business here with his brother-in-law, Eric Myhre.

He is a native of Helena who received an accounting degree from the University of Montana in 1973, a law degree from the UM in 1977 and a master of law degree from Boston University in 1978.

Search efforts are also being conducted by the other states along possible air routes.



John C.
Harrison Jr.

AROUND HELENA

The Independent Record, Helena, Mont., Tuesday, November 16, 1982—1B



Love, friendship soften Harrison ordeal

By SALLY HILANDER
IR Staff Writer

Two weeks after a light airplane carrying Helena John C. "Pat" Harrison Jr. disappeared enroute to Taos, N.M., his father says the family is surviving the ordeal on love and friendship. "We've received cards and letters from all over Montana," Supreme Court Justice John C. Harrison said today. "It helps. We're just overcome."

He said hundreds of well-wishers have continued to support him, his wife, Virginia, and their five other children "long after you'd think people would have forgotten."

Pat Harrison, an attorney, was aboard the twin-engine Cessna with a New Mexico family,

Wolfgang, and Wen-An Pogzeba and their 6-month-old son Jason, which left Helena Nov. 2. Their last radio contact was with the Colorado Springs, Colo., airport at 5:30 p.m.

Civil Air Patrol (CAP) searchers have combed parts of Colorado, New Mexico, Nevada and Arizona, but a lack of leads and poor flying conditions were exhausted. A hunter who was caught in a snowstorm the day the plane disappeared now has prompted at least a temporary halt.

"We couldn't ask for more," Justice Harrison said of the CAP. "They've gone far beyond the

call of duty. Most of these people are volunteers."

Harrison said CAP searchers have been in daily contact with the family and he intends to write thank-you letters to the governors of Colorado, New Mexico and Arizona.

Lt. Pat Norvell of Albuquerque, N.M., said Monday night the search would resume when new leads develop. The most recent possible sighting was determined to be a probable meteorite.

A dozen CAP planes searched over the weekend and suspended the effort Sunday because all leads and poor flying conditions were exhausted. A hunter who was caught in a snowstorm the day the plane disappeared reported a small aircraft buzzed the area and appeared to be in trouble.

Family and friends of the young Harrison

earlier had expressed optimism that he could survive an emergency mountain landing because of his physical adeptness and extensive outdoor experience.

Pilot Pogzeba and his wife also were said to be in excellent condition, she being a former Olympic skier. They owned the airplane. Justice Harrison continues to appear daily at his Supreme Court office. He said visiting family members from out-of-state have returned home.

"We're getting along with the love and friendship of all our friends," he said.

Pat Harrison's siblings are Randy, a University of Montana law student; Bob Harrison and Nina (Mrs. Eric) Myhre, both of Helena; Virginia Lee of Providence, Rhode Island, and Molly Howard of Virginia.

John C. Harrison Sr.:
We're just overcome



Page 20 *Leghorn*

Exhibit 3

NAME: Charles M. Tarczki

DATI

3/29/83

ADDRESS: Irvine Flats, Polson, MT. 59860

PHONE: 883-2248

PHONE: 883 2810
REPRESENTING WHOM? Local pilots & plane owners
Bill Barbe
Bert Polson
Leroy Schoonover

APPEARING ON WHICH PROPOSAL: HB-636

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X _____

COMMENTS: Flight plans should remain voluntary, the need depending on the flight circumstance. Weather changes can cause a new route of flight, making a flight planned route useless. Other persons notified of pilot's flight plans can serve same purpose as a formal F.A.A. flight plan. Enforcement not possible anyway. The filing of a flight plan will not change a pilot's ability to make sound judgments. The F.A.A. already has more than enough rules and regulations to attempt to protect pilots from themselves. To start on the state level, with various states enacting their own flight laws and regulations would serve no useful purpose. Non-tethered equipped aircraft, or flights into remote areas would be unable to satisfy the intent of this bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

I am a commercial, instrument rated pilot, and aircraft owner, flying mostly VFR. I have 27 years of flying experience from coast-to-coast and from Texas to Northern Canada with an accident free record.

NAME: Philip E Timm

DATE: 03-22-83

ADDRESS: Box 516 Polson mt. 59850

PHONE: 883 5195

REPRESENTING WHOM? Self & Local pilots

APPEARING ON WHICH PROPOSAL: House bill 636

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? XXX

COMMENTS: From a flight instructors view
of +30 years, I feel the bill unnecessary.
It still should be the right of the
pilot to take care of his flight as desired.
Over the years, none of my many
students of all levels, has had problems.
Proper student instruction is more
important for a guideline. Closing a flight
plan could be inconvenient if not impossible,
especially with no radio aircraft. I have
a no radio sea plane, that would be an
example. Why spend the tax payers money
for something that can't be enforced?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Testimony of
Drew E. Dawson, Chief
Emergency Medical Services Bureau
Department of Health and Environmental Sciences
to Senate Highways and Transportation Committee
in support of House Bill 479
March 22, 1983

Mr. Chairman, members of the Committee. I am here in support of House Bill 479. I would like to provide you with some basic information concerning the history of this proposal and the general intention of the bill and anticipated rules and regulations.

Since 1971, there has been a licensure law for ground ambulance services requiring certain minimal standards of personnel and equipment. This law has significantly improved the quality of pre-hospital emergency care in Montana.

There are a number of persons advertising in the yellow pages as air ambulance services. Yet, there is absolutely no assurance regarding their capabilities. There are no standards or guidelines for air ambulance services. The FAA does not deal with the medical issues. A critically ill patient can be transported by air without an attendant on board; with no medical direction and with no medical equipment. We don't allow this to happen on the ground; why should it happen in the air - particularly when more critical patients are transported by air, than by ground ambulance?

When a doctor or another person calls for an air ambulance, he has a right to expect that they will have certain minimal equipment and trained persons on board. In an emergent situation, the physician simply does not have time to inspect each aircraft to make sure there is oxygen, suction and other important items on board. Certain more specialized equipment such as incubators should certainly be upon the physician's advice. A doctor does not need to inspect each ground ambulance prior to transporting a patient - why should he have to do this with an airplane?

Recognizing the importance of this issue, the 1981-82 Montana State Health Plan, adopted by the State Health Coordinating Council, strongly recommended the passage of air ambulance licensing legislation. During this last year the Montana Emergency Medical Services Association has had a broadly constituted committee working on the development of this legislation, and anticipated rules and regulations.

Several comments regarding the intention of the bill and the proposed rules and regulations are in order:

1. If the legislation is passed, the Department of Health would use a committee composed of both the medical community and the aviation industry to develop reasonable rules and regulations.
2. As amendments to the statement of intent in the House make clear, this legislation is intended to apply only to those who hold themselves to the public as being qualified as an air ambulance service. It would not cover the local fixed base operator who does not advertise and who only occasionally transport a patient at the local physician's request.
3. The law is, in no way, intended to require a full time, dedicated aircraft. It is intended that the rules and regulations would be geared only to assuring that very minimal equipment and trained personnel were on board the aircraft.

4. The personnel and equipment would not need to be provided by the fixed base operator. They could be available from their hospital or local ambulance service and only used when transporting patients. Equipment would not need to be available in the aircraft at all times - only during patient transport. Very minimal equipment, such as oxygen and suction would need to be available on each medical flight. Other, more sophisticated equipment would only need to be available upon a physicians request.
5. The fixed base operator would not have to be the one licensed. The local hospital or ambulance service could be licensed and merely guarantee that appropriate aircraft were available.
6. For those services coming under the jurisdiction of this law, (those advertising) there would need to be medically trained persons on board the aircraft to manage the patient.
7. This legislation is intended to cover only those situations in which medical care is required enroute as judged by a physician. It is not intended to cover the air taxi operators who carry people who may be patients or who may be seeking medical care, but do not need medical care in flight, and are being transported by air merely as a matter of convenience rather than on an emergency basis.
8. Rural fixed base operators, if they wish to advertise, would easily be able to meet the requirements of this law and be licensed as an air ambulance service.

Members of the Committee, this proposed legislation is intended to assure that the patient receives the best care possible. It is not meant to require dedicated aircraft. It is important to point out that there IS a problem now. Patients ARE being transported by air with no suction, no oxygen and no trained personnel. Why should the patient transported by air not have the protection of minimal standards?

I know that there have been some misunderstandings concerning this bill and its possibly eliminating patient transport by air in rural Montana. Nothing could be farther from the truth. First, the amendments to the statement of intent help clarify this. Second, rural fixed base operators, if they wish to advertise, would easily be able to meet the requirements of the law and be licensed as an air ambulance service. Nearly all of the physicians who expressed an initial concern have been contacted by the Montana Medical Association and have had the purpose of the bill explained to them.

In 1981, the U.S. Department of Transportation and the American Medical Association published a booklet on "Air Ambulance Guidelines". The recommended standards proposed by this publication are far more stringent than those proposed under this law. As indicated in a recent legal bulletin, in the absence of a Montana law, and in the event of potential litigation, it is very likely that these published guidelines would be the standard against which an air ambulance operator's performance would be compared. I think it is more appropriate that we have our own law recognizing the unique problems of air ambulance transportation in rural Montana.

This proposed legislation is not intended to be unduly restrictive, or to put the private fixed base operator out of business. For those who choose to hold themselves out to the public as having an air ambulance service, it only assures that they meet certain very minimal standards.

For your information, there are several western states which have enacted similar air ambulance legislation including Wyoming, Arizona, Utah, Washington, Nevada and Colorado.

Exhibit 5

Testimony on HB 479: An Act giving the department of health and environmental sciences the authority to license and regulate air ambulance services; and providing effective dates.

The department of social and rehabilitation services supports HB 479 to license air ambulance service.

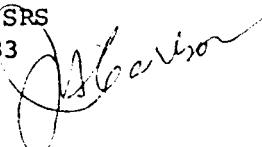
In order to qualify for medicaid payment, ambulance services must be licensed.

This bill will be helpful in two ways:

1. It would simplify administration of medicaid because rates for air ambulances would be established in the same way as rates for ground ambulances.
2. It would provide assurances that the services provided are equal to those provided by ground ambulances - an assurance of quality.

We will have to watch to potential problem of rate increases resulting from this bill. However, we will attempt to use our current limits to assure that this does not happen.

Submitted by: Judith H. Carlson
Deputy Director, SRS
February 16, 1983
and
March 22, 1983



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Exhibit 6

TESTIMONY

by

NILS A. ("SWEDE") TROEDSSON, Member
Air Ambulance Committee

Montana Emergency Medical Services Association

on

House Bill 479

(Licensure & Regulation of Air Ambulances)

before

The Senate Committee on Highways & Transportation
3/22/83

Committee Chairman - Senator Mark Etchart (Glasgow)
Sponsor - Representative Carrol Farris (Great Falls),
Vice Chairman, Human Services Committee

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Mr. Chairman:

My name is Nils A. ("Swede") Troedsson. I am a volunteer Emergency Medical Technician and a member of the Air Ambulance Committee of the Montana Emergency Medical Services Association.

My testimony here today represents the opinions of my home volunteer ambulance organization, the Beaverhead Emergency Medical Services Corporation, in Dillon, Montana, and Region 1B of the Montana Emergency Medical Services system.

Last year twenty percent of the patients transferred from Dillon were transported by aircraft. About one-third of these flights originated in our community using local aircraft and pilots. We consider our option for initiating our own air ambulance flights a vital one.

It was my privilege about ten years ago to be a part of the rule making process regarding licensure and regulation of ground ambulances in this State. I am convinced that field health care of injured and acutely ill patients would not have progressed in Montana to the level it is today were it not for the acts and regulations that focused public attention to the primitive state of the art that ambulance care was then. Those dedicated enough to persist in improving the system were given the lever needed to turn things around. The guarantee of a minimum level of health care was held out in all transportation environments except one, air ambulance.

Around half of the air ambulance flights from our community are provided by flying services based in Montana, but outside of Dillon. Unfortunately, we all too often do not become aware of the inadequacies of an out-of-town air ambulance service sent to pick up our patient until the doors of the aircraft open. Because of the urgency of the transfer, the added expense of ordering another aircraft, and due to commitments

Page 27 Highway 3/22/83

already made, we have had to reluctantly surrender our patient into a health care environment of lesser capability than ours. In a sense, we were pressured into a medical-legal situation termed as abandonment.

We have had aircraft arrive for our patients with no attendant, or with an attendant who was merely another pilot who was seeking some flying time to maintain his proficiency.

We have had aircraft arrive with no oxygen for the patient when the need for oxygen was indicated; without a backboard or scoop stretcher for transportation of a patient with a back injury; without seats removed for a patient that needed to be transported lying down; without suction for a patient in possible need of this vital airway maintenance; without cabin pressurization for a patient in need of that type of protected environment; or without adequate bedding or personal comfort equipment.

We have had to send along our nurses or EMTs as attendants on out-of-town air ambulances in order not to abandon a critical patient to the level of inadequacy presented to us. We have had to loan equipment vital to the patient's care because the arriving aircraft did not carry the most basic of vital patient management equipment. In one case, we sent an inadequate aircraft back home and replaced it with one from another city.

Dillon's ambulance service supports this proposed legislation and does not view it as a financial threat to our community's capability to initiate most air ambulance flights. We can meet reasonable requirements with equipment and personnel available within our community. Based on the history of the formulation of regulations regarding ground ambulances, we are confident that the Department of Health will seek counsel from an advisory committee sensitive to the needs of rural Montana, and

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will test proposed regulations through this hearing process. We are willing to take our chances in hopes of a reasonable guarantee of a minimum health care system for over 2,000 patients transported annually in this State by air ambulance.

I wish to thank you for the opportunity to testify before you today, and would feel privileged to be allowed to answer any questions at such time as you deem appropriate.

"Swede"

Nils A. ("Swede") Troedsson, EMT-A
Member Air Ambulance Committee
Montana Emergency Medical Services Association

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KENNETH C. HUNT, M.D.
FAMILY PRACTITIONER
1260 SOUTH ATLANTIC
DILLON, MONTANA 59725
TELEPHONE (406) 683-5113

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Exhibit #7

March 17, 1983

Senator Mark Etchart, Chairman
Highways & Transportation Committee
Capitol Building
Helena, MT 59620

RE: HOUSE BILL 479 (Licensure & Regulation of Air Ambulances)

Dear Sen. Etchart:

As members of the rural medical community, we would encourage you to positively consider House Bill 479. As physicians of Barrett Memorial Hospital, we frequently need to transport critically ill patients to other referring hospitals in the region for continued medical care or diagnostic evaluation. While our own ambulance service in coordination with the local air ambulance service provides excellent service and has high standards of care when transporting patients, this is not always necessarily the case when outside air transport service is needed. We feel that the proposed licensure and regulation of air ambulances would allow for uniformity and standards of patient transport care such that we now expect and get from ground ambulance service.

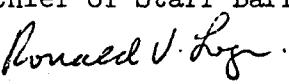
As physicians, the bottom line for us is maximal quality patient care. This must be maintained after it is initiated from the stabilization level at our local hospital when patients are transported to other facilities.

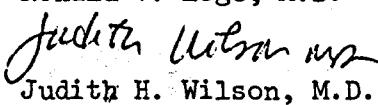
Passage of such a bill would be a great reassurance for us as physicians as well as staff nurses who frequently accompany such patients on such transfers.

Your support of this bill, we feel, is in the best interest of the people of Montana, any of whom could at any time be in need of such quality service.

Yours truly,


Kenneth C. Hunt, M.D.
Chief of Staff Barrett Memorial Hospital


Ronald V. Lode, M.D.


Judith H. Wilson, M.D.


Raymond L. Thomas, M.D.


Andrew Juergens, M.D.



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Exhibit #8

March 17, 1983

P.O. Box 1076
KALISPELL, MONTANA 59801

Chairman
Senate Highway and
Transportation Committee
Room 410
State Capitol Building
Helena, Montana 59601

Dear Mr. Chairman:

The Flathead Area Medical Emergency Council is the planning arm of the Flathead County Commissioners in Flathead County.

We are represented by all of the Emergency Medical Responders in Flathead County including Kalispell, Whitefish and Columbia Falls Ambulances, the North Valley and Flathead County Search and Rescue organizations, North Valley Hospital, Kalispell Regional Hospital and the ALERT Advanced Life Support Helicopter Team.

We have worked the helicopter tiered response system to a high level of practicality. We feel that there is a definite need for licensure of air ambulances as is provided in the House Bill 479. Our legislative committee has reviewed this Bill and has presented it to the organized group and en toto wish to recommend the passage of House Bill 479 as it was presented originally.

Thank you for your interest in this matter.

Sincerely,

Duane Larson
Chairman

DL:rg

FLATHEAD AREA MEDICAL EMERGENCY COUNCIL

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Exhibit 7

THE HAWKINS-LINDSTROM CLINIC, P.S.C.

555 FULLER AVENUE
HELENA, MONTANA 59601
(406) 442-0120

FOUNDED 1943

FAMILY PRACTICE
REGINALD J. O. GOODWIN, M.D.
THOMAS E. NORRIS, M.D.
PAUL S. DONALDSON, M.D.
KURT E. WERNER, M.D.

PEDIATRICS
O. M. MOORE, M.D.
JUDITH A. KOLAR
Business Manager

March 16, 1983

Senator Mark Etchart
Chairman, Highways Commission

RE: House Bill 479

TO WHOM THIS MAY CONCERN:

I regret that I will be unable to personally attend the hearings regarding air ambulance carrier regulations in Montana but would hope that these thoughts would be of help in your deliberations.

I have had a number of negative thoughts regarding regulation of air ambulance carriers in Montana at a State level. Montana is a small state by population and a poor state relative to many others. The physical size of the state is large and the combination of these factors leads to a great need for rapid transportation of ill patients from less populous areas to major medical centers. The standard of medical care in this day and age requires transportation of patients to areas where equipment and highly skilled personnel can provide the ultimate in medical care.

In this day and age physicians are called upon repeatedly to attempt to contain the costs of medical care. With this in mind the first negative aspect of regulation at a state level would be that of the immediate increase in the cost of air ambulance travel. Increased regulation would eliminate the ability of the local physician to determine the suitability of any given air transport system for his patient. As things stand now a physician can choose a relatively inexpensive air ambulance system if he feels that it is adequate for a given case. I recently was able to do this in the case of a pregnant patient who needed to go to Denver in a relatively short period of time. The cost of utilizing the fully equipped air ambulance service out of the Denver area was over twice the cost of using a less expensive yet totally adequate carrier based in Montana. We are talking about differences in cost in the range of \$2,500 for the Montana based carrier and over \$5,000 for the Denver based carrier. I would fear that regulation at a local level would require equipment and personnel for all air ambulances in Montana that would raise the cost of transportation to that commensurate with that of the Denver area.

Another very real fear would be that of loss of air ambulance service. If regulations raising the cost of these operations were put into effect, the availability in the less populous areas might be eliminated. Small operators would not be willing to invest the money required to meet regulations. This might even include the Helena area.

The ultimate responsibility for the patient's well-being lies in the hands of the attending physician. All physicians are quite capable of evaluating the adequacy of a transportation system particularly at the local level where the people involved are known on a personal basis. In certain types of complicated transfers, the fancy and extremely well equipped systems from the large medical centers are always available. A majority of the time these expensive transportation systems are not necessary for the types of transfers that we perform.

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The Federal Aviation Administration already regulates all commercial air taxi carriers. In my opinion, these regulations are totally adequate at this time and I feel it would be redundant for the State of Montana to attempt to enter into any additional regulation. In fact, the Federal Aviation Administration has decided not to regulate air ambulance operations to any greater extent than regular air taxi operations.

In summary, I sincerely feel that it would be a mistake for the State to attempt to regulate air ambulance operations. Let the already licensed physicians and already regulated air carriers determine the adequacy of any given system for the individual case involved and preserve the availability of adequate less expensive air ambulance operations for Montanans.

Sincerely,

R.J.O. Goodwin

R.J.O. Goodwin, M.D.
Family Physician

P.S. Donaldson, M.D.
Family Physician

K.E. Werner, M.D.
Family Physician

T.E. Norris, M.D.
Family Physician

Tom Norris

Jeff Morrison

K. Werner MD

T.E. Norris MD

Jeff Morrison

[FAUST M. ALVAREZ M.D.
SENIOR FAA MEDICAL EXAMINER]

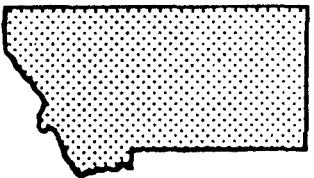
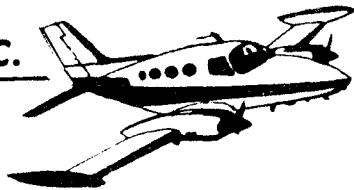
Cessna Sales & Service

Telephone
252-0608
Area Code 406

The logo for Lynch Flying Service, Inc. features the word "Lynch" in a stylized, italicized script font inside a diamond-shaped frame with a dotted pattern.

FLYING SERVICE, INC.

LOGAN FIELD
BILLINGS, MONTANA 59101



TO: HIGHWAYS & TRANSPORTATION COMMITTEE
FROM: ROBERT A. PALMERSHEIM
SUBJECT: HB 479

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPRESS MY OPPOSITION TO HB 479 WHICH WOULD ALLOW THE STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO LICENSE AND REGULATE AIR AMBULANCE SERVICES.

NO ONE CAN QUESTION THAT CERTAIN MINIMUM STANDARDS FOR AIR AMBULANCE SERVICE SHOULD EXIST. THE QUESTION IS TO WHAT EXTENT WILL THE REGULATIONS REQUIRE IN THE WAY OF EQUIPMENT AND AIRCRAFT. I FEEL THAT THERE SHOULD BE MORE DISCUSSION AND INPUT ON THIS MATTER BEFORE BECOMING LAW.

FIXED BASE OPERATORS AND AIR TAXI OPERATORS ARE CURRENTLY REGULATED BY THE FAA UNDER FAR PART 135 AS TO THE CERTIFICATION OF AIRCRAFT AND PILOTS, AND THE CONSEQUENT SAFETY STANDARDS REQUIRED.

TO DUPLICATE THESE AREAS WITH STATE REGULATION IS REDUNDANT.

AIR TAXI OPERATORS PROVIDE THE "VEHICLE" FOR TRANSPORTATION AND DO NOT GET INVOLVED WITH THE MEDICAL ASPECTS OF THE FLIGHT. MEDICAL CRITERIA AND EQUIPMENT SHOULD BE THE RESPONSIBILITY OF THE ATTENDING PHYSICIAN OR MEDICAL FACILITY, FOR THE PARTICULAR MISSION AT HAND.

IN A STATE AS VAST AS MONTANA, WITH CITIES AND SMALL COMMUNITIES, OFTEN LOCATED IN REMOTE AND ISOLATED AREAS, AND WITH JUST A FEW MAJOR MEDICAL CENTERS MANY MILES APART, OFTEN TIMES THE ONLY WAY TO SAVE A LIFE OR TRANSPORT A CRITICALLY ILL PATIENT IS BY EMERGENCY AIR TRANSPORTATION PROVIDED BY A SMALL SINGLE OR TWIN ENGINE AIRCRAFT. THE AIRCRAFT IS MERELY PROVIDING THE FASTEST TRANSPORTATION UNDER THE CIRCUMSTANCES, AND THE DECISION TO EVEN "AIRLIFT" THE PATIENT AND THE EQUIPMENT REQUIREMENTS MUST BE THE DECISION OF THE PHYSICIAN OR MEDICAL FACILITY.

THE STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SHOULD DIRECT

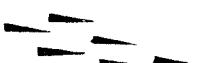


FAA APPROVED
Flight School
CE-01-2

FAA APPROVED
Repair Station
No. 4198

FAA APPROVED
Air Carrier
1-CE-7

CANADIAN
PERMIT
ATB-27



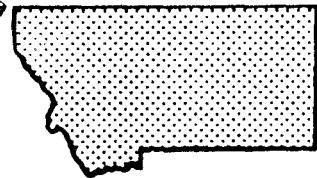
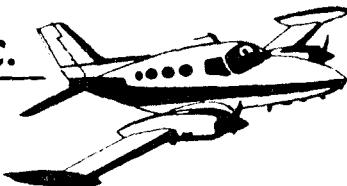
Cessna Sales & Service

Telephone
252-0508
Area Code 406



FLYING SERVICE, INC.

LOGAN FIELD
BILLINGS, MONTANA 59105



ITS EFFORTS TO THE MEDICAL FRATERNITY TO REQUIRE CERTAIN REASONABLE STANDARDS TO BE MET BY THE AIR AMBULANCE OPERATOR BEFORE USING HIS EQUIPMENT.

IN MY 30 YEARS OF FLYING AIR TAXI AND AIR AMBULANCE, AND WATCHING OTHER MONTANA FIXED BASE OPERATORS DOING THE SAME I HAVE NOT HEARD OF ANY INSTANCES FROM THE MEDICAL COMMUNITY AT LARGE THAT WOULD SUGGEST THAT MANDATORY LICENSING AND REGULATION BY THE STATE WOULD ENHANCE THE SAFETY OF LIFEGUARD FLIGHTS.

IN THE FREE ENTERPRISE SYSTEM YOU EITHER DO IT RIGHT OR THE MEDICAL COMMUNITY OR ANY CUSTOMER HAS THE RIGHT NOT TO USE YOUR EQUIPMENT OR SERVICES.

LIKE TAXES, WE ARE ALL SICK AND TIRED OF ADDITIONAL RULES AND REGULATIONS.

I BELIEVE THAT RATHER THAN REGULATION, THE MEDICAL COMMUNITY AND THE AIRCRAFT OPERATORS, IN A SPIRIT OF COOPERATION COULD DEVELOP A BETTER AND MORE EFFICIENT AIR TRANSPORTATION SERVICE.

I THINK THAT THIS CAN BE ACCOMPLISHED WITH OUT ANOTHER STATE LAW BY COOPERATIVELY WORKING OUT A SET OF REASONABLE GUIDELINES WITHIN THE EXISTING PARAMETERS OF THE DEPARTMENT.

THANK YOU FOR YOUR CONSIDERATION OF THESE REMARKS.

MEMBER

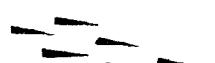


FAA APPROVED
Flight School
PSD01-1

FAA APPROVED
Repair Station
No. 4198

FAA APPROVED
Air Carrier
LCE-7

CANADIAN
PERMIT
A1B-27



Page 35 Highways

3/22/83

COUNTY COMMISSIONERS

DANN M. GARRISON, Chairman
Saco, Montana

SHERMAN DOUCETTE
Wagner, Montana

EUGENE (GENE) COWAN
Loring, Montana

District Judge
LEONARD H. LANGEN
Glasgow, Montana

Clerk and Recorder
INGELEFI. SCHWARTZ

Treasurer
MARION K. GOULET

PHILLIPS COUNTY



Exhibit 11

Assessor
HELEN WATERS

Sheriff - Coroner
MIKE CAMP

Clerk of Court
FRANCES WEBB

Superintendent of Schools
DOLORES HUGHES

County Attorney
WILLIS M. McKEON

Public Administrator
B.J. GOODHEART

Justice of Peace
CARL F. EATON

MALTA, MONTANA

59538

March 17, 1983

TO WHOM IT MAY CONCERN:

H. B. 479, "An Act Giving the Department of Health and Environmental Sciences the Authority to License Air Ambulance Services"

As County Commissioners we oppose this legislation because ~~the cost of~~

~~the equipment required to maintain and operate an air ambulance service is extremely high. The cost of~~

~~the equipment required to maintain and operate an air ambulance service is extremely high. The cost of~~

This legislation would be very restrictive to our community.

BOARD OF COUNTY COMMISSIONERS
PHILLIPS COUNTY, MONTANA

1136 Highway 3/22/83

Exhibit 12

9

WOKAL FLYING SERVICE

CESSNA SALES AND SERVICE

GLASGOW, MONT.

INSTRUCTION
XI & RENTALS
AIR RAFT

P. O. BOX 468
AREA CODE 406
PHONE: 228-4023
RES. 228-4655

21 March 1983

Senator Mark Etchart
613 1st St.
Helena, MT 59602

Dear Mark:

The purpose of this letter is to confirm my opposition to H B 479.

I recently sent Rep. Ted Schye a letter listing my objections to this bill. That letter should be on file.

I am in full support of the opposition movement trying to stop the passage of this bill.

The law, if enacted, would demand that medical equipment be included in the definition of an air ambulance. A fixed base operator who offers hospital to hospital air transportation with medical equipment aboard should be able to advertise as an air ambulance.

Please give it your best, Mark.

Sincerely,

Victor Wokal

Victor Wokal

Page 37 Highway 3/22/83

Exhibit 13

10

PHILLIPS COUNTY AMBULANCE SERVICE
P O BOX 146
MALTA, MONTANA 59538

State of Montana, House of Senators
Committee for Highways and Transportation
Helena, Montana 59601

Re: House Bill 479

To Whom It May Concern:

As Director of the Phillips County Ambulance Service, I am opposed to the above mentioned bill, #479 for the following reasons:

If this bill passes, we cannot use the services of our two Air Charter Services from Malta. We use them to transfer non-emergency injuries and illnesses to Billings and Great Falls, Glasgow and Havre hospitals. This service of our Charter air service is of great benefit to our patients due to less time involved compared to service by land.

We are also using the Helicopter from Mendell Flying Service located in Malta to service remote areas of the county for emergency situations. This helicopter is maned by Licensed EMT's and all necessary equipment. Because of the expense to own and operate a helicopter of this kind, it is impossible to limit its use to Emergency Medical Service, therefore must be used by private persons also, thus such strict regulations as purposed in this house bill would be very unprohibitive.

As Supervisor of Ambulance Service and concerned individual, I would appreciate your utmost consideration in vetoing this bill.

Sincerely yours,

Dale M Enerson

Dale M Enerson, Supervisor
Phillips County Ambulance Service

DME/eee

Page 38 Highway 3/22/83
Phillips County Hospital
417 S. 4E.
Malta, Montana 59538
March 17, 1983

Exhibit 14

(11)

To Whom it May Concern:

I am writing this letter to express my concern about HB 479.

We have used our air ambulance services many times to transfer patients from our hospital to other hospitals in the state and the air service has been used extensively to bring severely injured patients and also serious sick people into our hospital from the surrounding area. The lives of many people have been saved because of the services of our local air ambulances.

If HB 479 is passed and becomes law, ~~and if the regulations become too severe and too expensive to meet the regulations then it would put our air ambulance service out of business.~~

Therefore I do protest the passing of HB 479 as this would be very detrimental to Phillips County and surrounding area.

Sincerely,

Gene C. McCracken

Gene C. McCracken, Administrator
Phillips County Hospital

Page 39 Highway 3/22/83

12

Mendel Flying Service Inc.

Box EE

Malta, Mont. 59538

Chairman:

House Human Services Committee

Dear Sir:

HB 479, "An Act Giving the Department of Health and Environmental Services the Authority to License and Regulate Air Ambulance Services"

In reviewing the above proposed legislation I find it is attempting to do what most regulatory legislation does: ~~Regulates the specialized medical services, minimizes services, creates additional expenses, and does nothing to address the problem, if there is one.~~

Mendel Flying Service Inc. has been transporting patients from Malta to various points instate and out of state since 1956, to date we have had one death enroute. I'm quite sure you'll find the same situation exists with the other operators throughout the state. Where is the problem?. Why more regulation?

Lets look at facts, convenience for the persons that need transportation, time saved, and the record before we bring more regulation to bear. In summary we don't need HB 479, vote no.

Thank you for your kind consideration on this matter.

Sincerely

Eugene L. Mendel

Eugene L. Mendel

Pres.

Exhibit 16

Page 40 Highway 3/22/83
HB 479

Amendment.

Page 3, line 13 following the word "fund."

Add the following new sentence.

"Irregardless of any other legislation passed
which affects the licensure fee for Ambulances
the Department cannot by regulation or
otherwise increase the AIR Ambulance
license fee beyond \$5.00 per year for the
period ending June 30, 1987."

William E. Henry

Montana Hospital Association

Penalty Clause -

Page 6, line 1-2,

Imprisonment in the County jail for
not more than 90 days. -

Should be struck and made a total monetary
fine.

Page 42

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/22 1983 Bill No. HB 479 Time _____

| NAME | YES | NO |
|------------------------------|--------------|---------------|
| Senator Etchart, Chairman | ✓ | |
| Senator Hager, Vice Chairman | ✓ | <i>Absent</i> |
| Senator Elliott | ✓ | |
| Senator Shaw | ✓ | |
| Senator Tveit | ✓ | |
| Senator Graham | ✓ | |
| Senator D. Manning | | <i>Absent</i> |
| Senator Stimatz | ✓ | |
| Senator Daniels | ✓ | |
| | | |
| | | |
| | | |
| | | |
| | | |

Carol Doyle Frasier
Secretary

Senator Mark Etchart
Chairman

Motion: Elliott Be Not M -

My reg

Etchart canva

(include enough information on motion--put with yellow copy of committee report.)

Page 44

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/22 1983 Bill No. HB636 Time _____

| NAME | YES | NO |
|------------------------------|-----|----|
| Senator Etchart, Chairman | | ✓ |
| Senator Hager, Vice Chairman | ✓ | |
| Senator Elliott | ✓ | |
| Senator Shaw | ✓ | |
| Senator Tveit | ✓ | |
| Senator Graham | ✓ | |
| Senator D. Manning | ✓ | |
| Senator Stimatz | ✓ | |
| Senator Daniels | ✓ | |
| | | |
| | | |
| | | |
| | | |

Carol Doyle Frasier
Secretary

Senator Mark Etchart
Chairman

Motion: Daniels (m) -
motion 29
Shaw carries

(include enough information on motion--put with yellow copy of committee report.)

Page 46

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Date 3/22 1983 Bill No. HB 9 Time

| NAME | YES | NO |
|------------------------------|--------------|----|
| Senator Etchart, Chairman | ✓ | |
| Senator Hager, Vice Chairman | ✓ | |
| Senator Elliott | ✓ | |
| Senator Shaw | ✓ | |
| Senator Tveit | ✓ | ✓ |
| Senator Graham | ✓ | |
| Senator D. Manning | ✓ | |
| Senator Stimatz | ✓ | |
| Senator Daniels | ✓ | |
| | | |
| | | |

Carol Doyle Frasier
Secretary

Senator Mark Etchart
Chairman

Motion: Show m - ABAG (m -
Be Concurred In

HAG Colloid Anne

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

Page 43

March 23

19 83

MR. President:

We, your committee on Highways and Transportation,

having had under consideration House Bill 479, Bill No.

Farris (Etchart)

Respectfully report as follows: That House Bill 479, Bill No.

BE NOT CONCURRED IN

~~200000~~

STANDING COMMITTEE REPORT

Page 45

March 23..... 19...83...

MR. President:.....

We, your committee on..... **Highways and Transportation**.....

having had under consideration **House Bill**..... Bill No. **636**.....

PECK (Shaw)

Respectfully report as follows: That..... **House Bill**..... Bill No. **636**.....

CONCURRED IN

DOUGIE

..... Senator Mark Etchart Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

Page 47

March 23

19 83

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **House Bill** Bill No. **9**

Waldron (Elliott)

Respectfully report as follows: That **House Bill** Bill No. **9**