

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 19, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on January 19, 1987, at 10:00 a.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Joan Miles who was excused and Rep. Dave Brown who was not present.

HOUSE BILL NO. 139: Rep. Koehnke, District #32, sponsor, stated this bill is a good samaritan bill. There is an existing problem for the good samaritan with regards to liability. This bill limits liability for emergency care rendered at the scene of an accident or emergency. A good samaritan is not liable for any civil damages other than damages for gross negligence or by willful or wanton acts or omissions by such person in rendering emergency care or assistance. This includes a person properly trained under the laws of this state who operates an ambulance to and from the scene of an emergency or renders emergency medical treatment on a volunteer basis so long as the total reimbursement received for such volunteer services does not exceed \$3,000.00 a calendar year.

PROPOSERS:

ELLEN GALLENGEN, an EMT from Townsend, Montana, stated those who are homemakers or who are retired and do not have any outside income and operate a volunteer ambulance service, if the county paid \$1.00 to cover the cost of a babysitter that would be 25% of their gross annual income. Montana is greatly covered by volunteer emergency workers and we are a state that has a history of helping each other. Homemakers are not protected at all and we want this changed. This bill will help all volunteer workers, especially the homemaker, who want to continue working in this area of service.

DREW DAWSON, Chief of Emergency Medical Services with the Department of Health, stated he was there as a proponent for this measure. He stated when the original amendment for the clarification of volunteers was adopted in 1979, no one thought far enough ahead in terms of what the impact would be for the homemaker and for those with limited incomes. He emphasized this is definitely a good bill and will help attract and keep all volunteer emergency medical providers on a local level.

LYLE NAGLE, President of the State Volunteer Fire Fighter Association, stated there is an increase of women in the fire service, including homemakers, retired people and college students in all departments. He felt this bill would be some protection for those people and urged support.

HENRY LOHR, Montana State Volunteer Fire Fighters Association, went on record in support of this bill.

NO FURTHER PROPONENTS AND NO OPPONENTS

DISCUSSION (OR QUESTIONS) ON HOUSE BILL NO. 139: Rep. Darko asked Rep. Koehnke if, in order to make this bill a little more flexible, perhaps the original language of 25% of gross annual income or \$3,000.00 a calendar year, whichever was greater be inserted. Rep. Koehnke had no objection to this proposal. Rep. Addy stated it seemed if the bill passes as is, we are taking immunity away from some people and those are the people who make more than \$12,000.00 a year. If a flexible language is used, there would be protection both ways. Rep. Koehnke stated he was happy to carry this bill and he hopes it makes the committee happy to pass the bill. The hearing on HB 139 was closed.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 139: Rep Addy moved to amend HB 139. He proposed an amendment starting on Page two, line three, following: "25% of his gross annual income" insert: "25% of his gross annual income or, and on Page 2, line 4, following: "year" insert: ", whichever is greater." Question was called. A voice vote was taken on the amendment. All members voted in favor and the motion carried unanimously. Rep. Addy moved the bill. A voice vote was taken and all members unanimously voted in favor of the motion. HB 139 DO PASS AS AMENDED.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 10:30 a.m.



REP. EARL LORY, Chairman

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 19, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)		✓	✓
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)		✓	
EARL LORY (R)	✓		

STANDING COMMITTEE REPORT

January 19, 19 87

Mr. Speaker: We, the committee on Judiciary

report House Bill No. 139

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in | <input checked="" type="checkbox"/> as amended |
| <input type="checkbox"/> do not pass | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

Chairman

1. Page 2, line 3.

Following: "~~254 of his gross annual income~~"

Insert: "254 of his gross annual income or"

2. Page 2, line 4.

Following: "year"

Insert: ", whichever is greater"

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AGENCY(S) _____

DATE January 19, 1987

DEPARTMENT _____

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H B 139

NAME	REPRESENTING	SUP- PORT	OP- POSE
Monica Johnson -			
Lyle Nagel	Mt. St. Vol. Firefighters Assn	✓	
Drew Dawson	Mt. Dept. Health (Ems)	✓	
Betty L. Goehne		✓	
Henry E. Lohr	Mt. St. Vol. Firefighters Assn	✓	
Amy Konew			

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.
 IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.