

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

March 25, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on March 25, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Hannah who was absent.

EXECUTIVE SESSION:

DISCUSSION ON SENATE BILL NO 139 FOR RECONSIDERATION:  
Chairman Lory stated it has been requested by the snowmobile association that the same level of negligence be maintained on trails because they will take the money out of their funds instead of the Department of Fish, Wildlife and Parks funds. This discussion pertains to Rep. Cobb's amendment. Rep. Grady also requested that the committee look into this amendment because the Department does want to contract with the snowmobilers to groom the trails. The whole idea of keeping the machines on trails is a lot easier on the landowners because much of the snowmobiling is done on private property. Rep. Cobb stated he wants to leave it the way it is because he does not understand what the snowmobilers and the Department is saying. The insurance rates right now are at ordinary negligence and the rates must be very high. We have lowered their standards down to gross negligence so their standards should go down. Rep. Addy pointed out that he has a real problem with saying that people will not be libel if they are grossly negligent and as a result of that gross negligence somebody else is injured. He stated we are not talking about an oversight. We are talking about something that is so obvious or so careless that anybody would know right from wrong in that situation. Rep. Meyers said that is not the real point. The Department is trying to get the snowmobilers to do the trail maintenance themselves and they just are not going to do it when they are faced with a suit that could wipe them out.

Rep. Grady stated we are talking about the ski runs. If people use these machines within reason we do not have a problem but we all know that snowmobilers do not always use the machines with that reason. He said we must address this because we are talking about a sport that people get carried away with.

Rep. Cobb objected to reconsidering this bill because she stated the committee has already taken a careful look at this bill. People who construct the trails should not be excused from grossly negligent actions and the people building the machines should not be grossly negligent nor should the people driving the machines. No one should be excused from negligent acts. Rep. Mercer asked Rep. Cobb if the status of the law in the bill that was passed concerning landowner liability was the guarantee beyond wilful and wanton. Rep. Cobb stated his concern on this subject can be explained in this manner. If someone is going across the landowners land he cannot maintain that land for him. In this bill the operators are maintaining these trails, which is different than just letting someone go across the landowners land and use it for whatever purpose. Furthermore, this bill allows the organizations to have a low standard toward anyone and that is different from some of the other bills that have been passed in this session. A roll call vote was taken. (See roll call vote attached). The vote CARRIED 9-8. SB 139 WILL BE RECONSIDERED.

ACTION ON SENATE BILL NO. 257: Rep. Bulger moved that SB 257 BE CONCURRED IN. Chairman Lory pointed out that the telephone company submitted to him the numbers that were requested. On the Medicaid program there are 6,187 elderly, 115 blind persons, and 7,293 disabled persons for a total of 13,595. On the AFDC program there are 15,776 families.

Rep. Brown stated he understands the problem and will support the bill but it bothers him. He pointed out the rate payers are paying for this and it is the same as a general fund appropriation and it bothers him but he does not see any other way around the problem. Rep. Giacometto said that he cannot support this because if the telephone companies want to do this why don't they increase the AFDC payments so they can pay for the phones. He objected to the private industries getting into the welfare business. Rep. Daily moved that an amendment be made which would include all telephone companies and to include the blind, aged, disabled and exclude the AFDC recipients. Rep. Bulger stated he would oppose this amendment because it is a matter of trivial cost and for health reasons it is essential for people to have a telephone. Chairman Lory explained this includes only Mountain Bell Telephone customers who will be charged. Rep. Mercer stated this is one of those situations that it is probably a worthwhile program but small telephone companies are not ready to get involved at this time. This is a pilot program at this time. He opposed the amendment because it will endanger the program. Question was called on the amendment. A voice vote was taken and the motion FAILED 6-11. Question was called on the bill and a voice

vote was taken. The motion CARRIED 10-1 with Rep. Giacometto dissenting.

ACTION ON SENATE BILL NO. 303:

Rep. Bulger moved that SB 303 BE CONCURRED IN. Rep. Addy moved to amend on page 9, line 9 and 16. Question was called and a voice vote was taken. The motion CARRIED 15-2, with Rep. Miles and Strizich dissenting. Rep. Addy further moved that on page 11, lines 16-19 be amended by striking the language "an appeal". Rep. Bulger stated that he feels this does not leave the child protected. Rep. Mercer agreed with the amendment. Question was called and a voice vote was taken. The motion CARRIED 6-5. Rep. Mercer moved to amend on page 3, line 4, by inserting "medically indicated". Question was called and a voice vote was taken. The motion CARRIED unanimously. (See attached amendments). Rep. Bulger moved that SB 303, BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 16-1, with Rep. Giacometto dissenting. SB 303 BE CONCURRED IN AS AMENDED.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 10:00 a.m.

  
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EARL LORY, Chairman

DAILY ROLL CALL  
 JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 25, 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)	✓		

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE March 25, 1937 BILL NO. 139 TIME 10:30

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

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Francis J. Russell  
Secretary

Earl Lory  
Chairman

MOTION: RECONSIDER ACTION

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# STANDING COMMITTEE REPORT

MARCH 25.

19 37

Mr. Speaker: We, the committee on JUDICIARY

report SENATE BILL NO. 257

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

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Chairman

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**REP. BULGER WILL CARRY THE BILL!**

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# STANDING COMMITTEE REPORT

MARCH 25,

19 37

JUDICIARY

Mr. Speaker: We, the committee on

report SENATE BILL NO. 303

do pass

do not pass

be concurred in

be not concurred in

as amended

statement of intent attached

Chairman

1. Page 3, line 4.

Word "and" should be "or"

Strike "and"

Insert "or"

Insert "and" at the end of line 4

2. Page 3, line 8.

Word "and" should be "or"

Strike "and"

Insert "or"

3. Page 3, line 10.

Word "and" should be "or"

4. Page 10, line 14.

Word "and" should be "or"

Strike "and"

5. Page 11, lines 16 through 19.

Strike "and" at the end of line 16 through end of line 19

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THIRD

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REP. BULGER WILL CARRY THE BILL!