

House BILL NO. 315

INTRODUCED BY

Hamington Rep Larson Carlisle ORR HART
Benedict Jensen Foster Aguirre Beck Mall Conroy Drady

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A VOLUNTEER FIRE COMPANY OR DEPARTMENT AND ITS EMPLOYEES ARE NOT LIABLE FOR CIVIL DAMAGES, EXCEPT DAMAGES FOR GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT, FOR THEIR ACTS OR OMISSIONS RELATING TO THE INVESTIGATION, MONITORING, CLEANUP, MITIGATION, ABATEMENT, OR REMOVAL OF A HAZARDOUS OR DELETERIOUS SUBSTANCE IN RESPONSE TO A RELEASE OF THE SUBSTANCE."

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

NEW SECTION. Section 1. Immunity of volunteer fire company or department and employees for hazardous or deleterious substance cleanup. A volunteer fire company or department that is organized by a municipality, county, rural fire district, fire service area, or other entity and the employees of the company or department are not liable for civil damages, except damages for gross negligence or willful or wanton misconduct, for their acts or omissions relating to the investigation, monitoring, cleanup, mitigation, abatement, or removal of a hazardous or deleterious substance in response to a release.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 10, part 7, and the provisions of Title 75, chapter 10, part 7, apply to [section 1].

NEW SECTION. Section 3. Two-thirds vote required. Because [section 1] limits governmental liability, Article II, section 18, of the Montana Constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

-END-

House BILL NO. 315

INTRODUCED BY

Hamington Rep Larson Carlock ORR HART
Benedict Jensen Foster Aguirre Beck Mall Cousins Brady

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A VOLUNTEER FIRE COMPANY OR DEPARTMENT AND ITS EMPLOYEES ARE NOT LIABLE FOR CIVIL DAMAGES, EXCEPT DAMAGES FOR GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT, FOR THEIR ACTS OR OMISSIONS RELATING TO THE INVESTIGATION, MONITORING, CLEANUP, MITIGATION, ABATEMENT, OR REMOVAL OF A HAZARDOUS OR DELETERIOUS SUBSTANCE IN RESPONSE TO A RELEASE OF THE SUBSTANCE."

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

NEW SECTION. Section 1. Immunity of volunteer fire company or department and employees for hazardous or deleterious substance cleanup. A volunteer fire company or department that is organized by a municipality, county, rural fire district, fire service area, or other entity and the employees of the company or department are not liable for civil damages, except damages for gross negligence or willful or wanton misconduct, for their acts or omissions relating to the investigation, monitoring, cleanup, mitigation, abatement, or removal of a hazardous or deleterious substance in response to a release.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 10, part 7, and the provisions of Title 75, chapter 10, part 7, apply to [section 1].

NEW SECTION. Section 3. Two-thirds vote required. Because [section 1] limits governmental liability, Article II, section 18, of the Montana Constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

-END-

House BILL NO. 315

INTRODUCED BY

Hampton *Rep* *Loren* *Carlson* *ORR* *HART*
Benedict *Jordan* *Justin* *Agnew* *Rep* *Walt* *Grandy* *Drady*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A VOLUNTEER FIRE COMPANY OR DEPARTMENT AND ITS EMPLOYEES ARE NOT LIABLE FOR CIVIL DAMAGES, EXCEPT DAMAGES FOR GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT, FOR THEIR ACTS OR OMISSIONS RELATING TO THE INVESTIGATION, MONITORING, CLEANUP, MITIGATION, ABATEMENT, OR REMOVAL OF A HAZARDOUS OR DELETERIOUS SUBSTANCE IN RESPONSE TO A RELEASE OF THE SUBSTANCE."

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

NEW SECTION. Section 1. Immunity of volunteer fire company or department and employees for hazardous or deleterious substance cleanup. A volunteer fire company or department that is organized by a municipality, county, rural fire district, fire service area, or other entity and the employees of the company or department are not liable for civil damages, except damages for gross negligence or willful or wanton misconduct, for their acts or omissions relating to the investigation, monitoring, cleanup, mitigation, abatement, or removal of a hazardous or deleterious substance in response to a release.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 10, part 7, and the provisions of Title 75, chapter 10, part 7, apply to [section 1].

NEW SECTION. Section 3. Two-thirds vote required. Because [section 1] limits governmental liability, Article II, section 18, of the Montana Constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

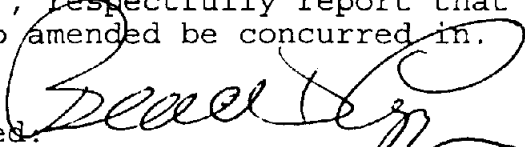
-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 16, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 315 (third reading copy -- blue), respectfully report that HB 315 be amended as follows and as so amended be concurred in.

Signed: 
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, lines 7 and 8.

Following: line 6

Strike: line 7 through "SUBSTANCE" on line 8

Insert: "THAT ARE DIRECTLY RELATED TO A HAZARDOUS MATERIAL
INCIDENT"


2. Page 1, lines 16 and 17.

Following: "omissions" on line 16

Strike: remainder of line 16 through "release" on line 17

Insert: "that are directly related to the hazardous material
incident"

-END-


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

HB 315
SENATE
611407SC.SRF

1 HOUSE BILL NO. 315

2 INTRODUCED BY HARRINGTON, GAGE, LARSON, PAVLOVICH, ORR, HARP, BENEDICT, JENKINS,
 3 FOSTER, SQUIRES, PECK, MOHL, GRINDE, GRADY, ZOOK, MERCER, BROWN, QUILICI, HIBBARD,
 4 FORRESTER

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A VOLUNTEER FIRE COMPANY OR
 7 DEPARTMENT AND ITS EMPLOYEES ARE NOT LIABLE FOR CIVIL DAMAGES, EXCEPT DAMAGES FOR
 8 GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT, FOR THEIR ACTS OR OMISSIONS
 9 ~~RELATING TO THE INVESTIGATION, MONITORING, CLEANUP, MITIGATION, ABATEMENT, OR REMOVAL~~
 10 ~~OF A HAZARDOUS OR DELETERIOUS SUBSTANCE IN RESPONSE TO A RELEASE OF THE SUBSTANCE~~
 11 THAT ARE DIRECTLY RELATED TO A HAZARDOUS MATERIAL INCIDENT."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
 15 NEW SECTION. **Section 1. Immunity of volunteer fire company or department and employees for**
 16 **hazardous or deleterious substance cleanup.** A volunteer fire company or department that is organized by
 17 a municipality, county, rural fire district, fire service area, or other entity and the employees of the company
 18 or department are not liable for civil damages, except damages for gross negligence or willful or wanton
 19 misconduct, for their acts or omissions ~~relating to the investigation, monitoring, cleanup, mitigation,~~
 20 ~~abatement, or removal of a hazardous or deleterious substance in response to a release~~ THAT ARE
 21 DIRECTLY RELATED TO THE HAZARDOUS MATERIAL INCIDENT.

22
 23 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
 24 integral part of Title 75, chapter 10, part 7, and the provisions of Title 75, chapter 10, part 7, apply to
 25 [section 1].

26
 27 NEW SECTION. **Section 3. Two-thirds vote required.** Because [section 1] limits governmental
 28 liability, Article II, section 18, of the Montana Constitution requires a vote of two-thirds of the members
 29 of each house of the legislature for passage.

30 -END-