

March 4, 1977

The meeting was called to order at 8:00 a.m., Chairman Brand presiding. Representatives Lien, Bardanouve and Mular were excused for other meetings; and Menahan and Meyer were absent.

Hargesheimer submitted his summary - see attachment #1.

SB 161-Sen. Stephens, sponsor--This is a product of the Interim Rules Committee, relative to officers of the Senate and the House. It is a practice that has gone on for a number of years, but the committee felt that it should be made statutory in order to make it more definitive, and to specify that the President Pro Tempore of the Senate serves throughout the session.

SB 152-Sen. Hazelbaker, sponsor--This came out of the Criminal Justice Study. One of the measures introduced by the Board of Crime Control, it is used to regulate peace officers and set up training standards. They aren't sworn officers and they don't carry guns. Reserve officers are defined as being sworn officers, and they have arrest authority - but this is not mandatory -- if the town wishes extra officers, or if regular officers are on vacation, sick leave, or generally gone; reserve officers can take their places. (He pointed out an amendment on page 6 defining the appointment and control of the auxiliary officers - also on page 7 there is an amendment dealing with the fact that auxiliary officers may not carry guns when on duty.)

CLAYTON BAIN, Board of Crime Control--This question was brought to the Board of Crime Control a few years ago. We were asked to determine the extent to which these people were needed. 900 volunteer peace officers work in Montana. We decided to establish a Task Force and determine what bills would have to be drawn up to govern their scope of authority, training specifications, guidelines, etc. Right now, there's no code dealing with volunteers and we feel this will help with the problems we have encountered. (for additional testimony - see attachment #2)

MIKE McGRATH, Attorney General's Office--We support, and feel it imperative that this be implemented.

BAIN-They can't replace full-time officers with reserve officers. Emergencies have a posse sort of status. RYAN-When there are vacancies, do they draw from the reserves? BAIN-Yellowstone County, for example, has 36% of its sheriffs and other officers drawn up from the reserves. So, they are quite often used. Once they get going, the cost will deplete; but the federal government has given other funds for this. The major cost comes in gearing up the program. HAZELBAKER-The last two lines say that no additional costs will be needed after 1979. Page 7 explains Workmens' Compensation. BRAND-Why was the severability clause stricken? BAIN-The Legislative Council did that. HARGESHEIMER-The severability clause isn't really necessary. A lot of times these are put in as a safeguard, but they aren't really necessary in a bill like this.

SB 183-Sen. Roberts, sponsor, never managed to make it to the meeting, so his bill was handled by the witnesses present.

ART KORN, State Volunteer Firemens' Association--This is a housekeeping bill. (see attachment #3, from Larry Nachtsheim, relative to the cost. Korn explained the build up of the fund.) This bill takes no money out of the fund.

DAVE FISHER, Montana Firemens' Association--The fund is plenty solvent, and the bill states that if the money is available, they can pay it.

KROPP-What's the story with the fiscal note? KORN-We set up the fund to mature up to \$1,000,000, and so any money would be from the Firemens' Fund. FEDA-Why does Glasgow have its own fund? KORN-It is a third class city. Their increase is covered under a house bill. Every third class city has their own set of officers. FISHER-This bill deals mostly with unincorporated areas. It is relative to the Montana Volunteer Firemens' Act.

EXECUTIVE SESSION

HB 152-O'Connell moved that the bill BE CONCURRED IN.

ROBBINS-Since Hazelbaker sponsored this, maybe we should put it in a study committee for two years.

The motion carried unanimously, and Fedra was assigned to carry the bill on the House floor.

SB 161-O'Connell moved BE CONCURRED IN, which carried unanimously, Smith was assigned to carry it on the floor.

SB 183-Robbins moved BE CONCURRED IN, and assured the committee that there would be no departments deleted in the bill.

BRAND-Is this a guarantee of \$100 a month? KRON-No, only if the funds are available. If not, they would be pro rated. The fund is constituted and accumulated by taking 1/4 of one percent of the fire insurance payments in the state. FISHER-There's a vested right clause, so everybody doesn't receive the same amount. They will receive an increase, but they won't be able to accrue additional interest. The base principle cannot go below \$1,000,000. ROBBINS-Are we going to give these people \$100 now, and then on down the line, they won't be able to pay it? FISHER-In the future, should the fund deplete, they may be paid less than \$100, but not less than \$50. We have some investments that don't accrue until 1980 or 1990, and these are large investments. Any decrease would be pro rated.

Robbins motion of BE CONCURRED IN carried unanimously. Meyer was assigned to carry it on the floor.

MEETING ADJOURNED - 8:45 a.m.

Joe Brand, Chairman

Anita C. Sierke
Anita C. Sierke, Secretary