

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

April 1, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on April 1 at 9:36 A. M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present except Senator Lockrem, who was excused, and Senator Thiessen.

The following visitors were present: Leonard A. Vadala, County Attorney's Office, Flathead; Dennis Haddow, Department of Health and Environmental Sciences; William Penttala, State Fire Marshall; Mel Wallan, County Commissioner, Flathead; R. A. Ellis; Montana State Volunteer Firemen's Assoc.; Jerry L. Tavegia, Montana Association of Counties; Dave Fisher, Montana Volunteer Firemen's Assoc.; Art Korn, Montana State Volunteer Firemen's Assoc.; Senator Ed Smith.

CONSIDERATION OF HOUSE JOINT RESOLUTION 7: Representative Johnston, District 13, stated the resolution was done at the request of the Volunteer Firemen's Association. Representative Johnston proposed the resolution be amended to exempt rural fire districts from this act. Senator Ed Smith stated he objects to having to obtain a fire permit for burning in agricultural areas. Senator Smith agreed with the proposed amendment from Representative Johnston. Bob Ellis, Montana Firemen's Association; Dave Fisher, Montana Fire Chiefs; and Art Korn, Montana Volunteer Firemen's Association testified in support of House Joint Resolution 7. Bill Penttala, State Fire Marshall, stated rural fire districts should not be exempt from this act. He stated this problem of notification should be resolved at the local level.

Dennis Haddow, Montana Department of Health and Environmental Sciences, stated the department tries to have the person responsible for fire control issue the Air Quality permits.


Leonard Vadala, County Attorney, Flathead County, stated there are problems in the Flathead with open burning which commissioners allow at certain times of the year. This is against the law as the persons do not have a permit for burning. Flathead County is now in litigation as a result. Mr. Vadala opposed Senator Smith's amendment as he feels this makes the bill too ineffectual. He

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he didn't feel the bill is a workable solution to the problem. Mr. Vadala stated he thought the fire departments should issue the permits. Jerry Travegia, Montana Association of Counties, and Mel Wallen, County Commissioner, Flathead County, opposed the bill.

Senator Story stated he doesn't feel the resolution is necessary and the Department of Health and Environmental Sciences should just go ahead and take care of this problem.

AJOURN: The meeting adjourned at 10:20 A.M.


Senator George McCallum, Chairman

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ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 4-1-77

NAME	PRESENT	ABSENT	EXCUSED
George McCallum	✓		
Robert Watt	✓		
Pete Story	✓		
Frank Dunkle	✓		
Lloyd Lockrem			
Bob Peterson	✓		
Cornie Thiessen			
Bill Thomas	✓		

Each day attach to minutes.

Apr. 1

Local Government

VISITORS' REGISTER

[illegible]

NAME: JERRY L. TAVEGIA

DATE: APRIL 1, 1977

ADDRESS: 1814 WILDER AVENUE - HELENA

PHONE: 442-0301

REPRESENTING WHOM? MONTANA ASSOCIATION OF COUNTIES

APPEARING ON WHICH PROPOSAL: HJR 7

DO YOU: SUPPORT? ☐

AMEND? ☐

OPPOSE? ☒

COMMENTS: THIS RESOLUTION IS NOT NEEDED TO RESOLVE THE PROBLEM

UNDIRECLED. NOTIFICATION OF OPEN BURNING IS CLEARLY AN ADMINISTRATIVE

DETAIL WHICH COULD EASILY BE RESOLVED IF THE AGENCY TO BE NOTIFIED

(THE LOCAL FIRE DEPT.) WAS ALSO DESIGNATED AS THE PERMIT ISSUING

AGENCY.

THE LANGUAGE IN THIS RESOLUTION, SPECIFICALLY LINES 16 AND 17

DOES NOT PROVIDE FOR A LOGICAL CHRONOLOGY OF EVENTS. RATHER

THAN HAVE PRIOR NOTIFICATION BEFORE ISSUING A PERMIT, IT

SHOULD READ THAT NOTIFICATION BEING SECURED IN PERMIT

SHOULD BE MADE PRIOR TO THE ACTUAL OPEN BURNING.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.