

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel Harding, on January 17,
1989, at 1:00 p.m.

ROLL CALL

Members Present: Chairman Ethel Harding, Vice Chairman
Bruce D. Crippen, Senator Tom Beck, Senator Eleanor
Vaughn, Senator H.W. "Swede" Hammond, Senator Mike
Walker, Senator Gene Thayer, Senator Paul Boylan

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council;
Dolores Harris, Secretary

Announcements/Discussion: None

HEARING ON SENATE BILL 71

Presentation and Opening Statement by Sponsor: Senator
Elmer Severson, District 31, stated this bill will
amend the filing deadline from 30 days to 75 days.
The county clerk and recorders asked to have a change
in Section 7-16-2421, MCA to line 20 of page 1 from 30
to 75. This is in compliance with the rest of the
election laws enacted two years ago. I hope you
concur.

List of Testifying Proponents and What Group they Represent:

Cort Harrington, representing County Clerk & Recorders

List of Testifying Opponents and What Group They Represent:

None

Testimony:

The county clerk and recorders asked me to testify regarding
SB 71. Election of county park district commissioners
is done at the same time as fire districts, irrigation
districts, hospital districts and all three of those

entities require 75 days prior to election you have to file a petition. One reason county clerk and recorders need the 75 days is that they must have absentee ballots printed and available for distribution 20 days prior to election to comply with Section 13-13-205. The 30 days presents a problem for them having that short a time period. The 75 days is what all the other districts require.

Questions From Committee Members: None

Closing by Sponsor: Senator Severson went to another committee hearing in the building. Thus Chairman Harding declared hearing on SB 71 closed.

DISPOSITION OF SENATE BILL 71

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Walker made a MOTION to DO PASS. The MOTION CARRIED UNANIMOUSLY.

HEARING ON HOUSE BILL 41

Presentation and Opening Statement by Sponsor:

Representative Robert Gilbert, House District # 22, Sidney. sponsor of HB 41, short title is interstate emergency services mutual aid act. This bill was brought to representative Gilbert by the Sidney fire department and the city attorney. They fight many fires across the state line of North Dakota and found that without statutes allowing them to enter into agreements with other government entities there is a real concern with liability. This bill started out to be just for fire fighting, then we found emergency medical aid was not covered. This bill is almost identical to that of the bill that covers law enforcement that's been a law for years. It's called a good government bill, one that takes the liability problems off the local government. It also allows agreement between BLM, individual fire departments, forest service for setting up guidelines in that respect. I do have some proponents ready to testify, and I will happy to answer questions.

List of Testifying Proponents and What Group they Represent:

Lyle Nagel, representing the Montana State Volunteer
Firefighters Association

Henry E. Lohr, MT. State Volunteer Firefighters Assn.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Lyle Nagel stated this bill would solve a lot of problems for the fire departments on the boundaries. There are now some who live in Canada. There are fire departments going out of state now and other states that are helping us. Upon checking, departments found that their liability was null and void when they went out of state. But the departments still do help across borders and this bill would give them a vehicle to enable them to make agreements. I urge your support of this bill.

Henry Lohr this bill is badly needed and hope you will support it. I hope we don't have another summer of fires like we had last year.

Alex Hanson of the Montana League of Cities and Counties supports this bill. The city of Sidney found they needed something like this bill. They operate a workers compensation and liability insurance programs. They need this type of authority to set up the necessary agreements to deal with the problem of our workers being covered when outside their home districts. I encourage you to pass this bill.

Questions From Committee Members: Senator Thayer asked whether this would include going across the line into Canada? Representative Gilbert stated there is nothing in this bill to cover travel into Canada. Last August the federal government passed a bill so that Canadian equipment could be brought down to Glacier Park. Our people are covered in Canada but we did not reciprocate. Last summer's law covered payment for them coming down. He thinks that law would enable us to work out an agreement with Canada across the line. Senator Thayer asked if we could include Canada in this bill. Representative Gilbert stated he wondered if the state of Montana is allowed to do an international agreement through a bill like this. This bill does what Representative Gilbert wants it to do; deal with other states and other government entities. Senator Hammond stated that Malta area does that all the time with prairie fires. Both Canada and U.S. go back and

forth when necessary. That's the reason for this bill. Just because a fire crosses a line doesn't mean you stop fighting the fire.

Senator Boylan asked about the National Park Service, such as Yellowstone Park? If you look on page 2, line 25 would include any other state or the United States. This law is broad.

Senator Crippen asked if the purpose of this bill was to obtain liability insurance? Representative Gilbert stated the current insurance is not valid when firemen cross state lines. Without a statute to allow a mutual aid agreement the policy will not be invalid. Senator Crippen asked, does Section 6 of this bill define liability? Rep. Gilbert responded that the agreements would define the liability, not the bill. The enabling act would allow governing entities to determine liability. Senator Crippen asked if the Attorney General's office approves the actual pact, right? Every agreement has to be approved by the Attorney General. Did the Attorney General work with you on this bill?. Yes, they worked with Dick Phillips the city attorney. Senator Crippen affirmed that they are aware of this bill? Yes, they are aware of this bill. They didn't testify so the committee couldn't be certain. Senator Crippen stated anything that deals with liability gets his attention. This bill was almost copied verbatim from the law enforcement act.

Senator Vaughn asked about the city volunteer fire fighters going outside the city being covered by workers comp. How will this bill work with the workman's comp people? By being in the statute, your city and rural area will be able to strike an agreement wherein they can address workers comp. Just a basic mutual pact is all that is needed. Without this statute, we can't make a pact.

Senator Hammond asked about the Canadian border, which is longer than the border of any state. Can this be addressed. Chairman Harding stated that our legislative staffer, Connie Erickson, can research this question.

Chairman Harding asked Representative Gilbert if he is satisfied with the way the bill is now? Would you be receptive if this bill could give a mutual aid agreement with Canada? I'm quite satisfied with the bill the way it is and if you can make it better, I would even be more satisfied.

Closing by Sponsor: Representative Gilbert said thank you for your time and consideration of this important legislation.

DISPOSITION OF HOUSE BILL 41

Discussion: Chairman Harding requested that Connie Erickson research an amendment to include the Canadian border.

Amendments and Votes: None

Recommendation and Vote: None

ADJOURNMENT

Adjournment At: 1:20 p.m.


SENATOR ETHEL HARDING, Chairman

EH/dh

minutes.117

STANDING COMMITTEE REPORT

January 17, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration SB 71 (first reading copy -- white), respectfully report that SB 71 do pass.

DO PASS

Signed: _____
Ethel M. Harding, Chairman

*Y.C.
1/17/89 P.M.
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