MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH

Call to Order: By CHAIRMAN HAGER, on FEBRUARY 3, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Tom Hager, Tom Rasmussen, John "J.D." Lynch, Matt Himsl, Bill Norman, Harry "Doc" McLane, Bob Pipinich

Members Excused: None

Members Absent: None

Staff Present: Tom Gomez, Legislative Council

Announcements/Discussion: CHAIRMAN HAGER announced the hearing of Senate Bill 212 and Senate Bill 295, and being the Sponsor of those two bills, he turned the chair over to Vice Chairman Rasmussen.

HEARING ON SENATE BILL 212

Presentation and Opening Statement by Sponsor: SENATOR HAGER, District 48 stated that Senate Bill 212 was introduced at the request of the LP Gas Association.

List of Testifying Proponents and What Group they Represent:

Jack Brown, Petrolane and MT-WY LP Gas Association

Testimony:

JACK BROWN representing Petrolane and the Montana-Wyoming Gas Association gave support for Senate Bill 212. SEE EXHIBIT 1. He also distributed survey sheets for the Committee Members to review. SEE EXHIBIT 2.

List of Testifying Opponents and What Group They Represent:

Ray Blehm, State Fire Marshal

Testimony:

RAY BLEHM, State Fire Marshal distributed a handout to the Committee Members. He stated that the Montana Fire Chief's Association couldn't be at the hearing, but are opposed to this bill in its entirety. There are many concerns and he gave examples of the problems they have had in the past. SEE EXHIBIT 3.

Questions From Committee Members: SENATOR HIMSL asked if the new buildings being built in the developing areas have the choice of using or not using propane.

RAY BLEHM stated the building codes apply only down to a level of five units, and anything that is a four plex or less, outside of cities, do not fall under the codes that are adopted by the city codes people.

SENATOR RASMUSSEN asked Mr. Brown what his response is to the concerns of the state firemen.

JACK BROWN stated that when the fire people see something that has happened with propane, they see the ultimate worst that could happen. He stated that he has worked with propane and all the aspects of it. In the cases where it has been spilled, it did dissipate rapidly and where there has been a leak, there is always a very rank odor.

Closing by Sponsor: SENATOR HAGER stated that he has known Jack Brown for quite some time and he does have a good background in the business. The industry has brought in new innovative things.

HEARING ON SENATE BILL 295

Presentation and Opening Statement by Sponsor: SENATOR HAGER, District 48 informed the Committee that Senate Bill 295 was brought in because of the problems that doctors have had in giving assistance in accidents and being sued later for liability. It will extend the limited civil liability for the propane gas industry or someone with the expertise who is asked to handle the problem.

List of Testifying Proponents and What Group they Represent:

Jack Brown, Petrolane and MT-WY LP Gas Company
Duane Robertson, Chief of the Solid Hazardous Waste Bureau
Chris Kaufman, Montana Environmental Information Center
Ray Blehm, State Fire Marshall

Testimony:

JACK BROWN representing Petrolane and the Montana-Wyoming LP Gas Company stated that their Company does require that they carry a disclaimer signed by someone at the scene of an accident, possibly a fire person or a highway patrolman. If they do not do this, it could result in a firing. He stated that their Company would like to have that liability relieved. If there is an accident, he stated he would like to help, but could not because he does not carry a disclaimer.

DUANE ROBERTSON, Chief of the Solid Hazardous Waste Bureau for the State Department of Health stated that the Department supports Senate Bill 295. SEE EXHIBIT 4.

CHRIS KAUFMAN representing the Montana Environmental Information Center stated that she is a proponent of the bill, but that there were some questions they would propose. For instance, do we want to encourage volunteers at the sight of a hazardous spill. The other is the oil company who is supplying gas to a local gas station, they see some potential disastrous problems , and offer to help. There again, will they be following a plan or do they know the best kind of response. The Federal Hazardous Waste Act has a similar provision to this, which is called the CERCLA Act (Comprehensive Environmental Response, Compensation, and Liability Act) Section 107D. They do have a couple of important provisions that this law does not, and that is the person who is acting, is acting consistent with some sort of federal or state contingency plan or they are taking directions from an on-set coordinator who has that kind of authority. Their Department suggests amendments to improve it or adopt the language of the Federal Act.

RAY BLEHM, State Fire Marshall stated that he has served on the State's Title 3 Commission for the last two years. The Title 3 Commission is a provision created under the Super- fund Amendment and Reauthorization Act commonly referred to as SARA. Under that Act, in this state for the last 2 years, there has been in process an intensive planning at the local level that was coordinated through the State Emergency Response Commission. He stated that he is convinced that this would be a well-advised step to take to help limit the liability of these people.

List of Testifying Opponents and What Group They Represent:

Michael Sherwood, MTLA left his testimony opposing SB 295. SEE EXHIBIT 5.

Questions From Committee Members: SENATOR HIMSL wondered why this would not be covered under the Good Samaritan Act.

RAY BLEHM stated that Mr. Brown's Company has indicated that they don't want to offer their assistance unless there is a law such as this one on the books. There is a good concern out there as far as what the Good Samaritan Act does cover.

Closing by Sponsor: SENATOR HAGER stated that he felt this law was real necessary. If someone who has the knowledge and is on site to handle that, we would not want to have them sign a two-page paper or call to find out what to do.

SENATOR HAGER took over the chair and called the Committee into Executive Session.

DISPOSITION OF SENATE BILL 143

Discussion: SENATOR RASMUSSEN expressed a concern about glaucoma and there are many types of glaucoma. The type the optometrists are looking at is just one type which does not relate to surgery. The type of glaucoma is called Primary Open-Angle glaucoma.

Amendments and Votes: SENATOR RASMUSSEN MOVED to insert the language "Primary Open-Angle Glaucoma" on Page 2, line 20 & 21 and Page 3, line 9 & 10. SENATOR LYNCH SECONDED.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR LYNCH MOVED that SENATE BILL 143 DO PASS AS AMENDED. SENATOR MCLANE SECONDED.

MOTION PASSED 4-3 with SENATORS: Hager, Himsl and Norman OPPOSING.

DISPOSITION OF SENATE BILL 74

Discussion: CHAIRMAN HAGER informed the Committee that this was the bill that Senator Story had asked to hold up on because of some concerns with the bill. Senator Story and Senator Regan agreed on the amendments that have been proposed by Senator Story. SEE EXHIBIT 6.

Amendments and Votes: SENATOR MCLANE MOVED the amendments for Senate Bill 74.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR MCLANE MOVED SENATE BILL 74 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 15

Discussion: The suggested amendments were discussed. They were proposed by the Clerk and Recorders and by Tom Hopgood, who represented the realtors. SEE EXHIBIT 7.

Amendments and Votes: SENATOR MCLANE MOVED the amendments for Senate Bill 15.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR LYNCH MOVED that Senate Bill 15 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 207

Discussion: CHAIRMAN HAGER informed the Committee of amendments for Senate Bill 207. SEE EXHIBIT 8.

Amendments and Votes: SENATOR NORMAN MOVED the amendments for Senate Bill 15 which is to also include the title.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR MCLANE MOVED that SENATE BILL 207 DO PASS AS AMENDED.

MOTION PASSED 4-3 with SENATORS: Pipinich, Rasmussen and Hager OPPOSING.

DISPOSITION OF SENATE BILL 26

Discussion: SENATOR WEEDING stated that the PAs and his group have retreated from the licensure part which is the first 9 sections. We have settled for certification. We have also retreated from the Associate Membership on the Board of Medical Examiners and substituted some language taken from another Act that will establish a non-voting liaison member to be seated as a member of the Montana Association of PAS. We also have to define that a PA Assistant is an agent of the Physician so that the nurses feel a little more comfortable in accepting orders that emanate from the PACs. To augment that, the Board of Nursing has agreed to issue a memo to their membership that rescinds one that went out in 1983 that cautions them about the liability of accepting orders from a PA.

CHAIRMAN HAGER stated that it would be to the benefit of the Committee to get a grey bill drawn.

TOM GOMEZ informed the Committee that the Governor has requested that a fiscal note be attached to SB 26. The Committee will come back to SB 26 on Monday, February 6, 1989.

ADJOURNMENT

Adjournment At: 2:15 p.m.

SENATOR TOM HAGER, Chairman

TH/pb

senmin.203

SENATE STANDING COMMITTEE REPORT

February 6, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 143 (first reading copy -- white), respectfully report that SB 143 be amended and as so amended do pass:

1. Title, line 7.
Following: "TREAT"
Insert: "PRIMARY OPEN-ANGLE"

2. Page 2, line 20.
Following: "treatment of"
Insert: "primary open-angle"

3. Page 3, line 9.
Following: "treatment of"
Insert: "primary open-angle"

4. Page 3, line 10.
Following: "of"
Insert: "primary open-angle"

AND AS AMENDED DO PASS

Signed: _____
Thomas O. Hager, Chairman

3/6/89

scrsb143.206

SENATE STANDING COMMITTEE REPORT

February 6, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 74 (first reading copy -- white), respectfully report that SB 74 be amended and as so amended do pass:

1. Title, line 8.
Following: ";"
Insert: "AMENDING SECTION 53-5-303, MCA;"

2. Page 3, line 6.
Following: line 5
Insert: "Section 5. Section 53-5-303, MCA, is amended to read:

"53-5-303. Purpose. (1) In order to ensure the proper care of aged persons or disabled adults in foster family care homes and to implement provisions of Title XX of the Social Security Act, Public Law 93-647, the department may obtain, license, and supervise adult foster family care homes for four or fewer aged persons or disabled adults in need of such care.

(2) Subsection (1) is not intended to apply to those persons who voluntarily live together in a private home and agree to share living expenses and responsibilities.""

Renumber: subsequent sections

AND AS AMENDED DO PASS

Signed: _____
Thomas O. Hager, Chairman

scrsb074.206

SENATE STANDING COMMITTEE REPORT

February 4, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 15 (first reading copy -- white), respectfully report that SB 15 be amended and as so amended do pass:

1. Page 1, line 24.
Following: "certify"
Insert: ", by affidavit,"

2. Page 2, line 1.
Following: "The"
Strike: "certification"
Insert: "affidavit"

3. Page 2, line 2.
Following: "must"
Strike: "be noted upon"
Insert: "accompany"

4. Page 2, lines 4 through 7.
Following: "dwelling."
Strike: the remainder of lines 4 through 7 in their entirety
Insert: "The county clerk and recorder may presume that the property being transferred is not a dwelling if the affidavit required under subsection (2) does not accompany the realty transfer certificate. The county clerk and recorder has no duty to inquire whether or not the property being transferred is a dwelling."

5. Page 2, line 8.
Following: "(4)"
Strike: "A"
Insert: "Neither the"
Following: "seller"
Insert: "nor his agent"
Following: "is"
Strike: "not"

6. Page 2, line 22.
Following: "must"
Strike: "contain the certification"
Insert: "be accompanied by the affidavit"

AND AS AMENDED DO PASS

Signed: _____
Thomas O. Hager, Chairman

scrsb015.204

SENATE STANDING COMMITTEE REPORT

February 4, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 207 (first reading copy -- white), respectfully report that SB 207 be amended and as so amended do pass:

1. Title, line 5.
Following: "INSTALLATION"
Strike: "AND MAINTENANCE"

2. Page 2, lines 14 through 16.
Following: "control." on line 14
Strike: remainder of line 14 through "order." on line 16.
Insert: "Upon commencement of a rental agreement, the landlord shall verify that the smoke detector in the dwelling unit is in good working order."

AND AS AMENDED DO PASS

Signed: Tom Hager
Thomas O. Hager, Chairman

H.C. 2/6/89 8:51 a.m.

SCRSB207.204

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 2-3-89
BILL NO. SB 212

FACT SHEET

Below-Grade Installations of Propane Gas Appliances

BACKGROUND

WHAT IS THE PROBLEM? The Uniform Mechanical Code (UMC) published by the International Conference of Building Officials (ICBO) prohibits the use of propane gas appliances in basements and other below-grade spaces. Although the National LP-Gas Association (NLPGA) generally supports the intent and provisions of the UMC, we have opposed this ban ever since it was adopted in the mid-1960s.

(The original ban, as contained in Paragraph 504(f), affected only water heaters. In 1976, this provision was extended to all propane gas appliances.)

WHY DOES NLPGA OPPOSE THE BAN? We believe the restriction against propane gas appliances in below-grade spaces is not justified in view of the propane industry's safety experience and in light of the fact that the UMC continues to allow the use of natural gas appliances in these same locations.

Significantly, other national model building codes and standards--such as NFPA 54, "The National Fuel Gas Code"--apply identical requirements to the installation and use of natural gas and propane gas appliances.

HOW SERIOUS IS THIS PROBLEM? The UMC has been adopted statewide in California and by local and county governments in more than 40 other states. It therefore has a far-reaching impact on the ability of propane marketers to provide consumers with an alternative, economical energy source--one that's being safely used today in millions of homes.

In a great many cases, installing major appliances like water heaters and furnaces above ground is simply not feasible.

EXPLANATION

WHY WAS THE BAN IMPOSED? When Paragraph 504(f) was adopted, the UMC was used as a model code primarily on the West Coast. The chief concern was the threat of earthquakes causing broken pipelines and escaping gas. It was believed that the threat was greatest with propane gas because it is heavier than air and might not dissipate as readily as lighter-than-air natural gas.

ISN'T THIS A REASONABLE CONCERN? At one time, perhaps, in areas where the threat of earthquakes was particularly high. But even then, there were no data to support a code restriction against propane gas appliances. In other words, such a restriction has never been justified by actual experience. An unintentional release of propane gas vapor is no more, and no less, hazardous than the release of natural gas in the same circumstances.

National LP-Gas Association 1301 W. 22nd St., Oak Brook, IL 60521

BUT ISN'T PROPANE GAS 'HEAVIER' THAN NATURAL GAS? It's true that propane gas vapor is heavier than air, while natural gas vapor is lighter than air. On a practical basis, however, this difference in physical properties is of no particular importance--it certainly has no effect on the operation of the respective appliances.

In fact, most natural gas appliances are also listed for operation on propane gas. What's more, propane gas piping systems, just like natural gas piping, are pressure tested, and all gas appliances are equipped with the same safety controls.

WHAT IS THE PROPANE INDUSTRY'S SAFETY EXPERIENCE? It's important to remember that the propane industry has a long and proud history:

- The propane industry has been serving the residential sector since 1912--providing energy for space heating, cooking, and clothes drying.

- Of the 86.3 million households accounted for by the U.S. government in its 1984 census, 7.8 million were using propane gas. Of these, 3.9 million were using propane gas as their primary heating fuel.

- The largest residential market for propane gas lies in rural areas not commonly served by natural gas distribution systems. Twenty percent of all rural households, or 4.2 million, use propane gas in the home, according to the U.S. Department of Energy's 1985 Residential Energy Consumption survey.

Furthermore, the safe storage and use of propane gas is ensured by two national standards--NFPA 54, "The National Fuel Gas Code," and NFPA 58, "Storage and Handling of Liquefied Petroleum Gas." Published by the National Fire Protection Association (NFPA), these standards have been adopted as American National Standards and are used in both federal and state regulations.

- NFPA 54 covers the installation and use of natural gas and propane gas appliances and has been incorporated in many state and local building codes.

- NFPA 58 covers the storage, transportation and handling of propane. It has been adopted by virtually every state that regulates propane use.

SAFETY SURVEY

WHAT DO THE DATA SHOW? In recent months, both NLPGA and the National Fire Protection Association conducted separate studies of the public's safety experience with below-grade propane gas appliances. The NFPA compared statistics for natural gas and propane gas central heating units, or furnaces, while NLPGA considered the number of below-grade installations along with the number of reported incidents involving the release of gas, fire, or explosion.

The survey results are included in an appendix to this Fact Sheet. But here are some highlights:

- There are approximately 821,000 residences nationwide where one or more propane gas appliances are installed in a below-grade space.

- The below-grade portion of reported incidents involving central heaters is 306 per year for natural gas (or 30 percent of the total natural gas units) and 24 per year for propane gas (or 17 percent of the total).

- The rate of fires below grade per million units is somewhat lower for propane gas (5.7) than for natural gas (6.8).

As you can see, the rate of propane gas incidents in below-grade spaces is comparable to the rate for natural gas installations. In reporting its findings, the NFPA questioned the efficacy of "any strategy or regulation that focuses on below-grade installations."

CONCLUSIONS

- Paragraph 504(f) of the Uniform Mechanical Code, which prohibits the installation of propane gas appliances in below-grade spaces, is not justified. No empirical evidence exists to support this prohibition.

- NLPGA generally supports the UMC and respects the integrity of the building officials who drafted its many worthwhile provisions. But we believe paragraph 504(f) is discriminatory. As confirmed by separate and independent studies, the safety record of propane gas appliances installed below grade merits the removal of paragraph 504(f).

- As the UMC is enforced in more and more communities, Paragraph 504(f) will increasingly impose a hardship on propane marketers, giving marketers of other fuels an unfair advantage. More importantly, consumers in rural areas beyond natural gas supply lines would be effectively denied access to a viable alternative to high-priced electricity.

- The ban on below-grade propane gas installations places the UMC in direct conflict with fire codes based on the National Standard NFPA 54 and with other national model building codes.

- Significantly, the majority of the country's building officials support NLPGA's position. When NLPGA challenged Paragraph 504(f) at an ICBO meeting in September 1986, some 60 percent of the building officials present backed the challenge. (According to ICBO parlimentary procedures, however, a 75-percent majority was needed.)

For these reasons, NLPGA will continue to seek revision to the Uniform mechanical Code. Propane gas is clean-burning, economical, and safe--below-grade as well as above ground. For millions of Americans, it's the fuel of choice.

SENATE AGRICULTURE & WELFARE
EXHIBIT NO. 2
DATE 2-3-89
BILL NO. SB 272

NATIONAL LP-GAS ASSOCIATION SURVEY 1985-86

State	Total LP-Gas Installations	Below-Grade Installation Percent *	Below-Grade Installation Incidents **
AK	5,000	10	0
AL	14,200	5	0
AR	14,000	7	0
AZ	40,000	22	1
CA	20,700	6	0
CO	9,860	9	0
CT	119,490	60	1
DC			
DE	1,180	3	0
FL	17,050	5	0
GA	103,100	8	1
HI			
IA	1,230	3	0
ID	14,830	45	0
IL	29,500	44	0
IN	18,800	54	0
KS			
KY	25,000	3	0
LA	28,800	1	0
MA	212,698	40	1
MD	5,700	65	3
ME	66,090	40	1
MI	57,000	62	1
MN	43,000	97	0
MO	61,000	40	1
MS	28,400	5	0
MT	20,500	40	1
NC	59,000	11	0
ND	750	2	0
NE			
NH	141,782	60	3
NJ	694,600	60	6
NM	5,900	3	0
NV	3,500	12	0
OH	26,500	38	0
OK			
OR	13,800	7	0
PA	666,160	40	3
RI	36,560	70	1
SC	14,435	3	0
SD	155	3	0
TN	56,000	15	0
TX	6,400	1	0
UT	15,525	51	3
VA	10,500	23	0
VT	80,000	70	3
WA	17,300	7	0
WI	35,300	91	1
WV	4,300	3	0
WY	6,936	54	2
TOTAL	2,851,831	28.8% Average	33

* Percentage of installations where one or more appliances are installed in basements (including daylight), crawl-space or other below-grade spaces.

** Number of incidents involving release of gas, fire or explosion.

MEMORANDUM

TO: Ted Lemoff

FROM: John Hall jh

DATE: February 16, 1987

SUBJECT: Revisions to Statistical Material on Fire Involving Home Central Heating Units Fueled by LP or Natural Gas

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In reviewing the January 14, 1987 letter sent you by Robert A. Reid, I Have discovered that he is right, and I made a serious error in the number of homes having LP gas as their primary/central heating fuel. The 1980/83 average should be 4.2 million homes, not 2.1 million homes. Attached is a corrected version of the original report, which I urge you to circulate.

On Mr. Reid's other point, LP-city gas is defined as a mixture of LP gas and air. Our data base does not permit us to address Mr. Reid's hypothesis that such mixtures are actually used only as supplements by natural gas suppliers during peak usage periods. If this can be confirmed with the industry, then he would be correct on that point as well, that is, such fires might more properly be associated with natural gas heating equipment.

I apologize for the error. Please convey my thanks to Mr. Reid for his close and insightful reading, including discovery of our error.

JRH/cc

cc: A.E. Willey
Ken Taylor
Rita Fahy
MiKe Karter

M E M O R A N D U M

TO: Ted Lemoff

FROM: John Hall jh

DATE: June 26, 1986 (Corrected February 16, 1987)

SUBJECT: Statistical Material for Speech on Fires Involving Home Central Heating Units Fueled by LP or Natural Gas

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From 1980 to 1983, gas-fueled central heating equipment in residential properties was cited in an average of 5,800 fires reported to fire departments per year, with an associated 40 civilian deaths, 221 civilian injuries, and $39.3 million in direct property damage averaged per year.* (See Table 1.)

For most of these fires, it is not possible to identify what type of gas fueled the equipment, and it also tends to be less relevant for those fires because it is the heater's role as a heat source that triggered the fire. In some cases, however, what is ignited is a gas that can be presumed to be the fuel gas, probably as the result of a leak.

From 1980 to 1983, gas-fueled central heating equipment in residential properties ignited natural gas in an average of 1,008 reported fires per year compared to 141 per year for LP gas and 73 per year for LP-City gas (a mix of LP gas and air). According to the Statistical Abstract of the United States figures for 1980 and 1983, during 1980 to 1983, there were an average of 44.7 million occupied housing units using utility (natural) gas as their home heating fuel and 4.2 million occupied housing units using bottled, tank, or LP gas.** If these figures are used to compute rates, we find 22.6 reported residential fires involving gas-fueled central heating units igniting natural gas per million occupied housing units using natural gas as their home heating fuel. The corresponding figure for LP gas is 33.6 if LP-City gas is not included and 51.0 if LP-City gas is included.

*Note: These figures are national estimates based on data from the annual NFPA survey of U.S. fire departments and the U.S. Fire Administration's (USFA) National Fire Incident Reporting System (NFIRS), using statistical methods developed by analysts at NFPA, USFA, and The U.S. Consumer Product Safety Commission. The figures reflect a proportional share of fires where equipment involved in ignition was unknown but not of central heating equipment of unknown fuel source. Fires are estimated to the nearest hundred, civilian deaths and injuries to the nearest one, and direct damage to the nearest hundred thousand dollars.

**Note that the match here is not exact. Portable and area heaters are not captured in the fire statistics, and LP gas as a heating fuel is part of a somewhat larger group.

Since there has been particular concern over incidents involving ignitions below grade, it may be interesting to note that the below-grade portion of reported residental incidents involving heaters igniting fuel is 306 per year for natural gas (or 30% of the total), 24 per year for LP gas (or 17% of its total) and 15 per year for LP-City gas (or 21% of its total).

These statistics lend themselves to various interpretations. First, the percentage of fires below grade is much lower for LP gas, possibly reflecting in part the fact that some jurisdictions already prohibit installations of LP gas heating systems below grade. This suggests that any strategy or regulation that focuses exclusively or primarily on below-grade installations will miss most of the problem.

Second, because percentage of fires below grade is low, the rate of fires below grade per million housing units is lower for LP gas alone (5.7) than for natural gas (6.8). The below-grade fire problem is still a significant part of the total fire problem of gas-fueled central heaters igniting gases for both types of gases, however.

Third, these statistics do not indicate whether installations at or above grade are less risky than below-grade installations. We do not know what percentage of LP-gas installations are below-grade. If regulations or industry practices are such that, say, only 5% of LP-gas installations are below grade, then the fact that 17-21% of fires occur at that level is a matter of concern, and risks would be lowered if below-grade installations were avoided. If, however, more than half the LP-gas installations are below grade, then their 17-21% share of fires indicates a lower risk, and we would be safer if we moved all LP-gas installations below grade.

Having looked at gas-fueled central heaters and then asked how often they ignite their fuel, we may turn the question around to look at reported gas ignitions in residential properties and how often heaters are the source of ignition.***

During 1980 to 1983, there were an estimated 11,300 reported residential fires per year in which natural gas was the first item ignited. Central heating equipment was cited in 10.6% of those. The leading types of equipment were stoves (39.7%) and water heaters (12.4%). Others worth mentioning were ovens (5.3%), dryers (4.1%), no equipment (6.8%), and unknown equipment involved (6.0%). (The "no equipment" cases appear to be mostly cases of matches or open fires igniting leaking gas.)

*** Note: In this analysis, a proportional share of fires with unknown type of material first ignited is allocated. Therefore, the results may be somewhat different from the earlier calculation that allocated cases of unknown equipment type.

During 1980 to 1983, there were an estimated 2,900 reported residental fires per year in which LP gas was the first item ignited. Central heating equipment was cited in 7.2% of those. The leading types of equipment were stoves (21.5%) and water heaters (17.8%). Others worth mentioning were portable and area heaters (8.6%), open fired grills (7.1%), torches (3.9%), ovens (3.5%), portable cooking or warming units (2.0%), dryers (1.9%), no equipment (9.2%) and unknown equipment (5.3%). Again, the "no equipment" cases mostly involved matches and other open flame sources near leaking gas.

During 1980 to 1983, there were an estimated 1,100 reported residential fires per year in which LP-City gas was the first item ignited. Central heating equipment was cited in 8.2% of those. The leading types of equipment again were stoves (34.2%) and water heaters (13.8%). Others worth mentioning were portable and area heaters (8.8%), ovens (5.9%), dryers (2.6%), no equipment (8.0%), and unknown equipment (6.6%).

JRH/cc

Table 1. 1980-83 Residential Structure Fires Reported to Fire Departments Involving Gas-Fueled Central Heating Equipment

A. Overall (Average per Year) Reported Residential Structure Fires Involving Gas-Fueled Central Heating Equipment

	Fires	Civilian Deaths	Civilian Injuries	Property Damage
Total	5,834	40	221	$39.3 million
Ignited natural gas	1,008	10	64	$ 5.4 million
Ignited LP gas	141	2	12	$ 2.1 million
Ignited LP-city gas	73	2	7	$ 0.7 million
Both LP gases combined*	213	4	19	$ 2.8 million

1. Rates Relative to Usage: (Average per Year) Reported Residential Structure Fires Involving Gas-Fueled Central Heating Equipment That Ignited:

	Fires	Occupied Housing Units Using Fuel as Their Primary Home Heating Fuel	Rates of Fires per Million Housing Units
Natural Gas	1,008	44.7 million	22.6
LP gas	141	4.2 million**	33.6
LP-city gas	73		---
Both LP gases combined*	213		51.0

C. Fires Below Grade: (Average per Year) Reported Residential Structure Fires Involving Gas-Fueled Central Heating Equipment That Ignited:

	Fires	Percent of Fires	Rate of Fires per Million Housing Units**
Natural gas	306	30%	6.8
LP gas	24	17%	5.7
LP-city gas	15	21%	----
Both LP gases combined*	39	18%	9.3

* May not equal sum because of rounding error.

** Household usage statistics are available only for LP gas with other bottled or tank gases. Since it is not clear whether LP-city gas is included in the usage statistics, rates are presented with and without LP-city gas included.

PETROLANE

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TWX 910-341-6812

ROBERT A. REID, Vice President, LP-Gas Division

January 14, 1987

Mr. Theodore C. Lemoff
Gases Field Service Engineer
National Fire Protection Association
Batterymarch Park
Quincy, MA 02260

Re: Your letter of July 16, 1986
Statistics involving below-grade installations

Dear Ted:

I have two questions relating to the work which Dr. Hall's group did for Bill Butterbaugh in June, 1986:

1. What is the definition of LP-city gas? Since very few municipalities are fueled continuously by propane-air, I can only assume that LP-city gas applies to those natural gas utilities which use propane-air to supplement natural gas supplies at times of peak usage. If this is the case, we feel that the LP-city gas statistics are more correctly linked to natural gas, not bottled or tank gas.

2. What is the source of the 2.1 million occupied housing unit statistic for LP-gas? Our marketing people state that the 1980 census figures show 4.5 million occupied housing units for LP-gas space heating (see attached data from CPSC residential heating equipment report). If our marketers are correct, the frequency rates in Table 1 will be altered dramatically.

I look forward to hearing from you on these matters.

Sincerely,

Robert A. Reid

RAR/lb

Attachment

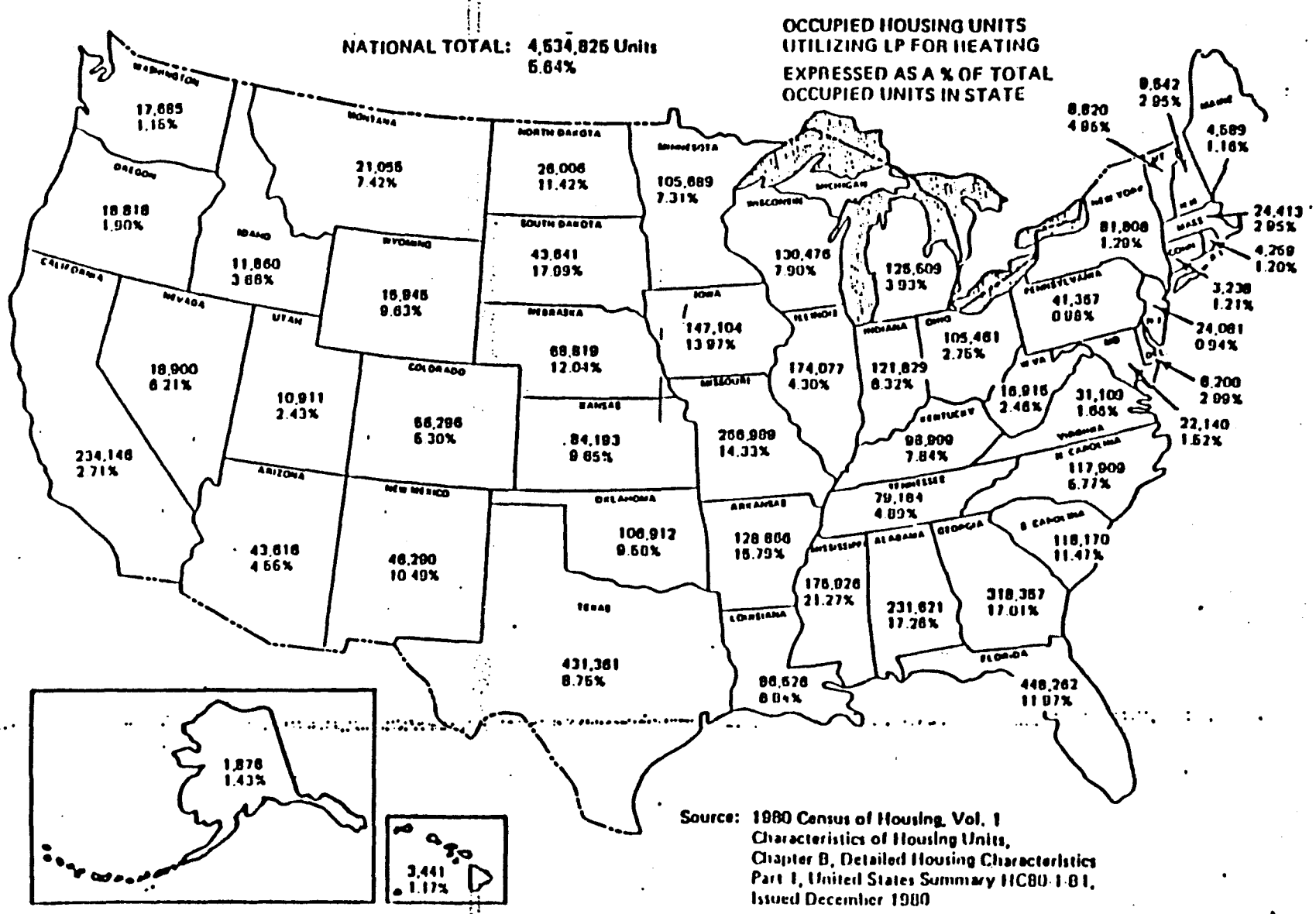


Figure 3-2 HOUSE HEATING FUEL USE OF BOTTLED, TANK, OR LP GAS BY STATE

Table 3-5.

Analysis of LP Fuel Use And Population Exposed To Hazards Associated With Its Use

U.S. TOTALS

	U.S. Total	Inside SMSA's			Outside SMSA's		
		Total	Central City	Non Central	Total	Rural Farm	Non-Farm
Persons in Occupied Units	220,796,160	165,282,890	64,989,230	100,293,660	55,513,276	5,615,977	49,891,299
Occupied Units	80,389,673	60,497,589	25,275,851	35,221,738	19,892,084	1,820,528	18,071,556
Occupancy Person/Unit	2.75	2.73	2.57	2.85	2.79	3.08	2.76
House Heating Fuel							
Utility Gas	42,657,625	35,135,754	16,309,072	18,826,682	7,521,871	149,634	7,372,230
All Other Excluding LP	33,397,223	23,532,887	8,646,009	14,886,878	9,664,336	1,101,754	8,562,582
LP	4,534,825	1,820,948	320,770	1,508,178	2,705,887	569,140	2,136,737
LP As % Of Total	5.64	3.02	1.27	4.28	13.60	31.26	11.82
Exposed Pop.	12,497,254	5,005,470	829,597	4,287,438	7,563,821	1,746,298	5,916,641
Waterheating Fuel							
Utility Gas	42,148,105	35,625,185	16,855,744	18,769,441	6,522,920	118,261	6,404,659
All Other Excluding LP	34,251,523	23,013,494	7,951,578	15,061,921	11,238,037	1,278,046	9,959,991
LP	3,990,045	1,858,910	468,529	1,390,381	2,131,135	424,221	1,706,914
LP As % Of Total	4.96	3.07	1.85	3.95	10.71	23.30	9.45
Exposed Pop.	10,975,043	5,081,684	1,206,696	3,958,197	5,941,838	1,304,803	4,704,255
Cooking Fuel							
Utility	32,375,170	27,818,072	14,733,068	13,085,004	4,557,098	86,497	4,470,601
All Other Excluding LP	42,445,157	30,230,360	10,163,795	20,074,565	12,206,797	1,276,701	10,930,096
LP	5,569,346	2,441,157	378,988	2,062,169	3,128,189	457,335	2,670,854
LP As % of Tot.	6.93	4.04	1.50	5.85	15.73	25.12	14.78
Exposed Pop.	15,331,575	6,679,107	977,864	5,879,622	8,729,432	1,412,360	7,374,402

Derived From:

1) 1980 Census of Housing, Vol. 1 Characteristics of Housing Units, Chapter B Detailed Housing Characteristics, Part 1 United States Summary. HC80-1-B1, Issued December 1983.

2) 1980 Census of Housing, Vol.1 Characteristics of Housing Units, Chapter A General Housing Characteristics, Part 1 United States Summary HC80-1-A1, Issued May 1983.

SB212 Exhibit #3 2/3/89

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 2-3-89
BILL NO. SB212

Fourth suit in prison explosion

By TAD BROOKS
IR Staff Writer

A $1.08 million lawsuit stemming from a 1985 explosion at the state prison in Deer Lodge that killed one corrections officer and critically wounded another has been filed just three days before the legal deadline.

It is the fourth lawsuit following the Dec. 30, 1985 explosion of a propane gas heater in a tunnel connecting the new prison administration building with a main guard tower.

The tunnel work was part of a $15.4 million expansion project awarded to Volk Construction Co., of Great Falls, the general contractor.

United Pacific Insurance Co., Volk's insurer, is suing the makers of the gas heater and flame sensors, alleging they were defective and caused the explosion.

Prison guard Richard Wallace, 59, was killed when the explosion destroyed his guard tower, and Gary Barres, 28, was critically injured while walking through the tunnel to relieve Wallace of tower duty.

Contractor's insurer sues maker of 'defective' heater

The guard tower, tunnel and a portion of the administration building were reduced to twisted wreckage.

Filed Dec. 28, just three days prior to statute of limitations expiration, the suit names as defendants the Scheu Manufacturing Co., of Upland, Calif., and Hamilton Standard Control, Essex Switches Division, of Cleveland, Ohio.

The state is suing Volk, Scheu and Hamilton for $3 million in property damages, according to reports.

Wallace's wife filed a wrongful death suit against Volk, Scheu and Hamilton, seeking an undisclosed amount in damages, and Barres seeks an undisclosed sum in a personal injury suit filed against the three defendants.

Depositions are just beginning to be taken and the suits are a long way from going to trial, attorneys said.

Three of the suits were filed in Powell County, but Helena District Justice Thomas C. Honzel has assumed jurisdication, attorneys said.

They said the fourth and most recent suit was filed in Helena District Court, but will be transferred to Powell County, where all the cases will be tried.

The suit filed Dec. 28 alleges Scheu's propane heater, equipped with flame sensors made by Hamilton, both contained manufacturing defects that caused the explosion.

By marketing the products, the companies assured they were in working order, and negligently breached warranties to Volk.

The suit claims Volk used the heater properly as instructed by the manufacturers and incurred $1,082,819.53 in property damages from the explosion.

The insurance company has reimbursed Volk and seeks to recoup the damage loss plus court costs from the defendants.

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
FIRE MARSHAL BUREAU
Room 371, Scott Hart Building, 303 North Roberts, Helena, Montana 59620-1417 (406) 444-2050

SB 212 HEARING

SENATE PUBLIC HEALTH, WELFARE AND SAFETY

February 3, 1989

This information has been put together in opposition to any attempt to delete the existing code requirements for installation of Liquified Petroleum Gas (LPG) Appliances in below grade locations.

1988 Uniform Fire Code - Article 82 - Section 82.103(c) "Prohibitions. For prohibited locations of equipment and piping, refer to Uniform Mechanical Code Chapter 5(1) and Uniform Mechanical Code Appendix B, Chapter 22 (2)."

(1) 1988 UMC Chapter 5 - Section 504(f) LPG Appliances.

Liquified petroleum gas-burning appliances shall not be installed in a pit, basement or similar location where heavier-than-air gas might collect. Appliances so fueled shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

(2) 1988 UMC App. B, Chapter 22 - Section 2215

Liquified petroleum gas facilities shall not be located in any pit or basement , under show windows or interior stairways , in engine, boiler, heater or electric meter rooms. When not prohibited by another regulation, approved liquefied petroleum gas metering devices may be located in the open under exterior stairways.

Liquefied petroleum gas piping shall not serve appliances located in a pit or basement where heavier-than-air gas might collect to form a flammable mixture.

NOTE:

Below grade installations of appliances are not addressed anywhere within NFPA 58 or Uniform Fire Code Standard 82-1 which is a copy of NFPA 58.

Only two sources address below grade installations; 1) The

above UMC Sections and footnote No. 5-B. of Table 82.104 of UFC.

The following shall apply to aboveground containers installed **SB** alongside buildings:

A. Containers of less than 125 gallons water capacity may be next to the building they serve when in compliance with B, C and D below.

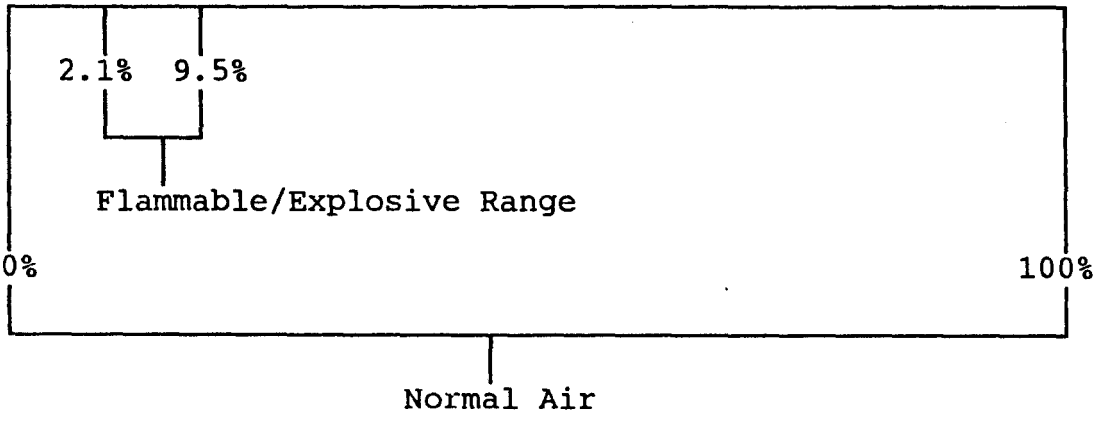
B. DOT specification containers shall be located and installed so that the discharge from the container pressure-relief device is at least 3 feet horizontally away from any building opening below the level of such discharge and shall not be beneath any building unless the space is well ventilated to the outside and is not enclosed for more than 50 percent of its perimeter. The discharge from container pressure-relief devices shall be located not less than 5 feet in any direction away from any exterior source of ignition, openings into direct-vent (sealed combustion system) appliances or mechanical ventilation air intakes.

The **PURPOSE** of this specific restriction is **LIFE SAFETY**.

LIQUIFIED PETROLEUM GAS (LPG)
BUTANE AND PROPANE: THE LP GASES

Propane is the most widely used LP gas in the state of Montana. Its properties and characteristics are as follows:

1. Chemical Composition - $CH_3CH_2CH_3$ or CH_3H_8
2. Natural form - A gas
3. Flash Point (as a liquid) - below minus 200 degrees F (-100 degrees F)
4. Ignition Temperature - minus 842 degrees F (-842 degrees F)
5. Flammable Limits - per cent by volume - 2.1% to 9.5%



pressure to convert it to a liquid. This is done for ease of transportation and storage. This also means, the 5 gallon bottle on your barbecue or motor home, in reality, contains 1,350 gallons of propane vapor.

The amount of flammable vapor propane will produce in a short time far exceeds what would be produced by an equivalent amount of gasoline. In short, the LP gases seem to combine the worst properties of both flammable liquids and gases.

Some other properties of propane and butane require comment. They are almost odorless. For leakage detection, a strong-smelling chemical compound called a MERCAPTAN is added. Of course, we should not ignore this smell when it occurs, but we cannot depend entirely upon its presence. Some chemical reactions require the use of a pure gas, so no odorant is added. It is therefore possible to encounter an odorless LP gas. It should be so marked, but it may not be. Both gases are also colorless. However, a liquid leak vaporizes almost immediately, chilling the air, and condensing and making visible the water vapor it contains. Even though the gas is invisible, an LP gas leak can be detected by this vapor cloud. the point of leakage may also be frosted. Sometimes we can estimate the level of liquid in a leaking container by a ring of frost caused by the rapid vaporization of the liquid as it seeks to restore a pressure balance. When vaporization takes place it absorbs heat from its environment, including the liquid inside the container.

Propane systems depend upon natural vaporization within the container to maintain a steady flow of gas. The amount of heat required for vaporization depends upon the rate of use and the climate. If there is heavy usage, the container may require additional heat because the temperature of the liquid may drop close to its boiling point, but in the United States this is not usually a problem, since propane will vaporize by itself at normal temperatures throughout the country.

Propane has the three qualities needed for a successful LP gas: It is highly flammable; it can be liquefied by moderate pressure; and it reverts back to a gas at all convenient temperatures. This is not so true of butane.

Butane's boiling point, 31 degrees F. (-0.6 C), means it will not vaporize at many winter temperatures. Therefore, although butane has become a synonym for the LP gases, propane and mixtures of propane and butane are much more commonly used, along with such inevitable impurities as iso-butane, propylene, and butylene.

Propane has the disadvantage of requiring heavier tanks and equipment because of its higher vapor pressure.

Probable LP Gas Emergencies

LP gas emergency situations include a leaking LP container accompanied by a vapor cloud, and an LP container (or containers) on fire, or exposed to fire. Handling of these emergencies requires these considerations.

1. Protect people. Any vapor cloud will be downwind from the leak. Firemen should approach from upwind side, if at all possible. For this reason, places using LP gas should allow access from all sides. The upwind approach is equally important if the LP containers are on fire. Explosions from a newly created vapor cloud can occur. Remove all persons from the area of the cloud or from its probable path. Keep them back at least 2000 feet (600 meters) from the area of the cloud wherever it is or goes. The only exceptions to this rule are those people required to deal with the emergency.

   Remember: Large LP tanks are horizontal tanks. Do not approach them from the ends.

2. Shut the gas off. This basic rule of gas fire fighting applies with even more force to handling LP gas emergencies. There is no tactic more worthwhile than shutting off the flow. Close valves, at the container or remotely, by using valve wheels or wrenches; by crushing or crimping copper tubing; or, as happened on a HOllywood freeway when a tank of butane overturned, by driving redwood plugs into holes. Consult plant personnel or drivers about the location of proper valves. If you are lucky, you may encounter the type of system where valves close automatically. If valves cannot be located or used, you will have to shut off every ignition source in the path of the vapor cloud.

   Remember: An LP gas vapor cloud is heavier than air and will sink into low places.

   This is why appliances fueled by LPG are not permitted in basements or pits. Leaks of natural gas, which is lighter than air, may be detected by a persons nose, whereas leaks of propane, being heavier than air, are undetectable by the human nose.

3. Use water to direct the vapor. Although dry chemical will extinguish a very small LP gas fire, there is no known method or material that will extinguish a large one. However, the proper use of water will be of assistance. Water is absolutely indispensable. Large amounts should be immediately available. Water can help to protect firefighters closing valves. Without fog patterns, it may be impossible to approach necessary shutoffs. Water can help disperse LP gas vapor. It will not dilute the vapor, but it can push it to a safer location. Fog patterns should be used immediately. Direct the spray across the normal vapor path. If the cloud ignites, there will be a tremendous release of radiant heat that a sufficient amount of fog can help lessen.

Several facts about vapor clouds should be kept in mind: Flames will progress at 15 feet (5 meters) per second through a large cloud, a rate which is about one-half the speed of a desperate man; running 100 yards (90 meters) in 10 seconds will allow a man to travel 30 feet (10 meters) per second. If a cloud is seen inside a building, firemen should not enter except to complete a rescue. An explosion is very likely. A vapor cloud does not necessarily show the limits of the flammable gas, but merely the limits of its refrigeration effect. The flammable gas may extend beyond this on all sides. Therefore, firefighters must keep low behind their fog pattern and should never enter or closely approach the vapor cloud.

If tanks must be removed, protect personnel with water. If a small, leaking portable tank cannot be shut off and must be moved to a safe place, it should be transported in an upright position so that gas, not liquid, will leak. The tank should never be dragged, for this can damage valves and piping, possible increasing the flow. Righting an overturned tank should be done carefully. Above all, keep a spray stream on the tank being moved. Portable containers exposed to heat should be taken to a safe place, but consider carefully before you move a tank on fire. It is fairly safe while burning if a cooling stream is kept upon it.

Water will protect tanks and exposures. If escaping gas is on fire immediately apply large quantities of water to all surfaces exposed to heat. Heavy-stream appliances are very desirable and should be applied to all containers, piping, vessels, exposed tanks, and combustible surfaces. The discharge from burning relief valves can create a giant torch seriously endangering not only exposures, but also the tan itself. If it impinges upon the

containers, there is a possibility of an explosive rupture. Hose steams will cool metal exposures, preventing possible explosive ignitions or ruptures of tanks, and may even lower temperatures and lessen pressures enough for spring-loaded valves to close and cut off the torch effect.

If there is too much heat for the amount of water being applied, a bubble or blister may form on the tank, the noise level from a leak suddenly increase, and the size of the torch flame suddenly grow. This is your signal for an immediate withdrawal.

TWO CASE HISTORIES

Two fires involving LP gases are very instructive. One occurred in a large propane tank farm, one on a western highway. The first is taken from an AIA report.

The Chief and Deputy Chief of the Newark Fire Department were making a routine inspection of the Warren Petroleum Company on July 7, 1951 when a fire started in a group of propane tanks. Three minutes after the fire was first observed, a ball of fire mushroomed high into the air. Ten or fifteen minute later, there was a violent explosion due to failure of a propane storage tank. For the next hour and forty minutes, tanks erupted at intervals. Intense radiated heat, which developed as a result of the blasts, caused the fire companies to withdraw their apparatus and personnel to safe distances and started several fires in the surrounding area.

Seventy propane tanks were destroyed or badly damaged. The majority of the tanks were open longitudinally; a number opened up circumferentially. Most of the tanks that appeared to have been subjected to local overheating, yielded, stretched to a minimum thickness, and then finally ruptured. A check of the tanks showed that a large percentage of them ruptured along the upper part of the tank lengthwise, along the vapor space.

Many, as a result of rocket effect, traveled distances from one-quarter to one-half mile. A Texaco service station, half a mile from the scene of the blast, was demolished by a falling propane tank. Other tanks ripped up the ground. All the ruptured tanks discharged propane that, in turn, furnished additional heat to rupture other tanks. Railroad rails were twisted and bent. One tank, skyrocketing into the air, returned and drove itself into the ground, rupturing the water main that supplied water for fire protection.

Two hours after the original fire began the explosions subsided and firemen were able to enter the area to combat the fire. The breaking of the water main forced the fire department to resort to hose relay operations. Firemen used hose streams on tanks to keep the tank surface next to the vapor space cool, but allowed the fire to burn itself out.

The increase in metal temperature within the vapor space of some tanks was so rapid that the means provided for pressure relief could not function rapidly enough to prevent rupture. Yet, pressure relief capacity more than met the requirements of NFPA Pamphlet 58. THe three end tanks of a 30-tank section caught fire during the explosions. The fire department placed hose streams on these tanks. In spite of the fact that one tank blistered and finally split open, the water was able to keep the contents sufficiently cool to prevent the tank from leaving its foundation. This demonstrates the effectiveness of water for this purpose.

The second fire illustrates a common misconception about the use of water on LP tanks.

A tank truck and trailer combination, carrying liquefied propane, overturned on a California highway. Fire was immediate and ignited close exposures. Four different fire departments responded and called for advise from an oil company. When representatives arrived, they found that the exposure fires had been extinguished but that several spots on the tank truck and trailer were still burning freely. the oil men urged that cooling water be applied to prevent rupture of the containers. They were told that the firemen had been previously advised not to do so, that the shock of cold water on the steel tank would supposedly cause a fracture. The oil company representatives finally convinced the firemen there was little danger of this. On the contrary, if water was not applied quickly, far more serious results could be expected.

Water was ten applied to the tanks and, in a short time, the relief valve closed. The remaining propane was consumed by extending vent pipes away from the truck and trailer to a controlled burning. (While controlled burning is an accepted practice under the right circumstances, this does not mean you should attempt to ignite a vapor cloud. This is a time when competent technical advice can be invaluable.)

Both the LP gases are nontoxic, but they will cause drowsiness in high concentrations, or produce nausea, headache, or possible

asphyxiation. These effects can be avoided by the use of self-contained gas masks.

This text prepared by Richard Levandowski, Deputy State Fire Marshal.

Partial documentation collected from **Flammable Hazardous Materials**, Second Edition (James H. Meidl)

RL:alv
SB212

Department of Health and Environmental Sciences

Testimony On

S.B. 295

The Department of Health and Environmental Sciences supports S.B. 295, which provides limits on civil liability for persons responding to an actual or threatened release of a hazardous substance. Department personnel are actively involved in an ongoing state spill response program. Under this program, state employees, functioning as duty officers, are asked to provide technical assistance in mitigating the release, or threatened release, of hazardous substances. Department personnel also are required to institute remedial action when a discharge of a hazardous substance threatens public health and safety or the environment. Quite often the decision to take remedial action must be made by personnel in the field and be made in a timely manner. Department personnel involved in the spill response program in the past have expressed concern over their own personal liability by being involved in these response situations. This concern has been particularly acute with employees who participate in emergency response activities just as a part-time adjunct to their normal jobs. This bill will, if passed, assist emergency responders to make better, quicker decisions in emergency situations.

SENATE HEALTH & WELFARE
EXHIBIT NO. 5
DATE 2-3-89
BILL NO. SB 295

Testimony of Michael Sherwood, MTLA

RE: Senate Bill No. 295

Opposing

At first glance this bill appears to be a Good Samaritan Bill. It is not. Good Samaritan statutes have two things in common:

1. A presumption that the volunteer can aid the situation;
2. A volunteer (someone who has no legal duty to assist--e.g. someone who is not compensated to do so.)

First, in this area we don't, in a vast majority of the cases, want volunteers. Hazardous materials are just that--HAZARDOUS. The volunteer is likely to injure himeself and others.

Second, this bill grants immunity to persons who are paid by the government to respond to such situations.

Section 107 of CERCLA (The federal superfund legislation) addresses this problem already. This legislation imposes strict liability on those who release a hazardous substance, but relieves that liability in the event of volunteers responding to a release at the direction of federal or state "Action Coordinators."

~~Finally, other legislation being proposed in this session addresses this situation in a more comprehensive setting.~~

Sen Hagle 4/2

SENATE HEALTH & WELFARE
EXHIBIT NO. 6
DATE 2-3-89
BILL NO. SB 74

Amendments to Senate Bill No. 74
First Reading Copy

Requested by Senator Story

Prepared by Eddye McClure
January 27, 1989

1. Title, line 8.
Following: ";"
Insert: "AMENDING SECTION~~S 53-5-302 AND~~ 53-5-303, MCA;"

2. Page 3, line 6.
Following: line 5
Insert: "Section 5. Section 53-5-302, MCA, is amended to read:
"53-5-302. Definitions. As used in this part, the following definitions apply:
(1) "Adult foster family care homes" means private homes owned by one or more persons 18 years of age or older which offer for compensation light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged persons.
(2) "Aged person" means a person ~~defined by the department as aged~~ 60 years of age or older.
(3) "Custodial care" means providing a sheltered, family-type setting for an aged person or disabled adult so as to provide for his basic needs of food and shelter and having a specific person available to help him meet his basic needs.
(4) "Department" means the department of family services.
(5) "Disabled adult" means a person 18 years of age or older defined by the department as disabled.
(6) "Light personal care" means assisting the aged person or disabled adult in accomplishing such personal hygiene tasks as bathing, dressing, hair grooming, and supervision of prescriptive medicine administration, but not administration of prescriptive medications.
(7) "Skilled nursing care" means 24-hour care supervised by a registered nurse or a licensed practical nurse under orders of an attending physician.

Section 6 Section 53-5-303, MCA, is amended to read:
"53-5-303. Purpose. (1) In order to ensure the proper care of aged persons or disabled adults in foster family care homes and to implement provisions of Title XX of the Social Security Act, Public Law 93-647, the department may obtain, license, and supervise adult foster family care homes for four or fewer aged persons or disabled adults in need of such care.
(2) Subsection (1) is not intended to apply to those persons who voluntarily live together in a private home and agree to share living expenses and reponsibilities. "
Renumber: subsequent sections.

SENATE HEALTH & WELFARE
EXHIBIT NO. 7
DATE 2-3-89
BILL NO. SB 15

Amendments to Senate Bill No. ~~207~~ 15
First Reading Copy

For the Senate Public Health, Welfare and Safety Committee

Prepared by Tom Gomez, Staff Researcher
February 3, 1989

1. Page 1, line 24.
Following: "certify"
Insert: ", by affidavit,"

2. Page 2, line 1.
Following: "The"
Strike: "certification"
Insert: "affidavit"

3. Page 2, line 2.
Following: "must"
Strike: "be noted upon"
Insert: "accompany"

4. Page 2, lines 4 through 7.
Following: "dwelling."
Strike: the remainder of line 4 through line 7
Insert: "The county clerk and recorder may presume that the property being transferred is not a dwelling if the affidavit required under subsection (2) does not accompany the realty transfer certificate. The county clerk and recorder has no duty to inquire whether or not the property being transferred is a dwelling."

5. Page 2, line 8.
Following: "(4)"
Strike: "A"
Insert: "Neither the"
Following: "seller"
Insert: "nor his agent"
Following: "is"
Strike: "not"

6. Page 2, line 22.
Following: "must"
Strike: "contain the certification"
Insert: "be accompanied by the affidavit"

SENATE HEALTH & WELFARE
EXHIBIT NO. 8
DATE 2-3-89
BILL NO. SB207

Amendments to Senate Bill No. 207
First Reading Copy

For the Senate Public Health, Welfare and Safety Committee

Prepared by Tom Gomez, Staff Researcher
February 3, 1989

1. Page 2, lines 14 through 16.
Following: "control." on line 14
Strike: remainder of line 14 through "order." on line 16.
Insert: "Upon commencement of a rental agreement, the landlord shall verify that the smoke detector in the dwelling unit is in good working order."

(This sheet to be used by those testifying on a bill.)

NAME: T A. Brown DATE: 2/3/89

ADDRESS: Bx 1418 - Billings 59103

PHONE: 252-7171

REPRESENTING WHOM? Petrolane MT-Wyo LPGA

APPEARING ON WHICH PROPOSAL: SB 212 & 295

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Dvane Robertson DATE: 2/3/87

ADDRESS: # 1

PHONE: 444-2821

REPRESENTING WHOM? Dept of Health

APPEARING ON WHICH PROPOSAL: SB 295

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE FEBRUARY 3, 1989

COMMITTEE ON PUBLIC HEALTH

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Margo LaFounte	Northern Energy			
Larry J. Weston	Northern Energy			
Ray Blehm	State Fire Marshal	SB212		X
J.D. Brown	Petrolane-Mt-Wyo LPG	SB212	X	
David Saylor	Petrolane Mt-Wy LPG	SB212	X	
Don Ingels	Mt Chamber / Industrial Waste Exchange	SB295	Monitor	—
Chris Kaufman	MEIC	SB295	X	
Mike Sherwood	MLA	SB295		

(Please leave prepared statement with Secretary.)