

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel M. Harding on April 19,  
1989, at 1:15 in room 405, State Capitol

ROLL CALL

Members Present: Chairman Ethel M. Harding, Senators  
R.J."Dick" Pinsoneault, Eleanor Vaughn, H.W. "Swede"  
Hammond, Gene Thayer, Paul Boylan

Members Excused: Vice Chairman Bruce Crippen

Members Absent: Senators Tom Beck and Mike Walker

Staff Present: Connie Erickson, Legislative Counsel  
Dolores Harris, Committee Secretary

Announcements/Discussion: None

HEARING ON HOUSE JOINT RESOLUTION 46

Presentation and Opening Statement by Sponsor: Since  
Representative Thomas was absent Senator Gene Thayer  
presented HJR 46 to the committee. He stated HJR 46  
urges the State of Montana to support and participate  
in the 1990 census.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Senator Gene Thayer closed the hearing  
on HJR 46.

DISPOSITION OF HOUSE JOINT RESOLUTION 46

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Pinsoneault MOVED that this committee DO CONCUR in HJR 46. The VOTE was UNANIMOUS in FAVOR of concurring in HJR 46. Senator Thayer will carry HJR 46 to the Senate floor.

HEARING ON HOUSE JOINT RESOLUTION 47

Presentation and Opening Statement by Sponsor: Since sponsor Representative Gilbert was absent, Senator Pinsoneault opened the hearing by stating that HJR 47 requested an interim committee to study the current status of volunteer fire services in Montana.

List of Testifying Proponents and What Group they Represent:

Lyle Nagel, MT. St. Vol. Firefighters Assn.  
Henry E. Lohr, MT. St. Vol. Firefighters Assn.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Lyle Nagel stated he tried, with another bill, to get volunteer fire chiefs relieved from inspecting public buildings and schools. They are elected from the body of fire fighters and have no qualifications, yet they are saddled with the responsibility of making those inspections. Now the Federal SARA program requires volunteer fire fighters to have 24 hours of training every year, they have to be in good physical condition and have a certified physical every year. One portion of the law says they are exempt from responding in hazardous materials cases, but in another page it says they have to respond and make the initial response to determine if there is a hazardous material problem.

In Missoula they have a volunteer hazardous materials response team, and those guys go through hundreds of hours a year in study and thousands of dollars in equipment. One suit can cost over \$1,000 and it is good for one use. The volunteer fire companies can't afford the extra costs. The fire training schools had budgets approved, but no money was allotted, so the firemen pay for the training themselves to give a service that costs the public nothing. That is not

right. Somewhere along the way, something must be done, because we're losing good volunteers. They are burning out and quitting. If they want to certify as a fire fighter 1, 2, or 3 they pay \$50.00 for the training. Or if they want to be an instructor 1 or 2, they have to pass a certification exam, a written exam and a practical test. They have to be evaluated. Those evaluators are hired and paid. The firefighter pays the bill. Somewhere we have to look at the codes and relieve the fire fighters of some of the responsibility.

Questions From Committee Members: Senator Pinsoneault asked what SARA is that you talked about? Lyle Nagel answered SARA is a federal program that deals with hazardous materials, as far as spills and clean-up, and problems of that nature.

Senator Thayer asked about the bill he had in that would have eliminated the need for this study? Lyle Nagel answered that he had a bill in the House that would relieve volunteer fire chiefs from the responsibility of inspecting schools and public buildings, but it was tabled in committee.

Senator Thayer stated you want to go beyond that, apparently. You want to be able to relieve them of liabilities in handling these materials. You're finding it more difficult to find volunteers because of the risks involved, the training, and it costs them financially to remain a volunteer fireman. Mr. Nagel stated that one of the problems with the bill that was killed, was the fact that in the fire codes, there is no definite standard for the inspectors. Not in the fire marshall's rules or in the fire codes is there anything that sets a standard. You can go to the fire training school and take courses in building inspection, but you have to go back to the building codes, because these inspectors are actually certifying the building codes. That volunteer fire fighter goes out there and says that building is safe, then they have a fire in the building, and maybe there is a bunch of asbestos in it or something in it and that shows up, and the insurance company says your fire chief certified that that building was safe and now this shows up, so the insurer backs out from under or sues the fire chief.

Senator Vaughn asked if it would be an object of this study to set up some codes and some regulations as to just what they are responsible for? Is that what you want? Mr. Nagel said they could go through the codes and find

where the needs are and get something in writing that specifies what has to be done, and what kind of training has to be taken to qualify to do it. He told them to look in the fire codes and see who the fire chief is. This needs work he said.

Closing by Sponsor: Senator Pinsoneault closed the hearing on HJR 47.

DISPOSITION OF HOUSE JOINT RESOLUTION 47

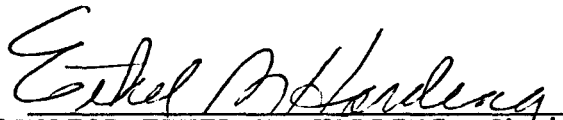
Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Thayer MOVED that we DO CONCUR in HJR 47. The VOTE was UNANIMOUS in FAVOR of concurring in HJR 47. Senator Pinsoneault will talk to Senator Walker to ask him to carry HJR to the Senate floor.

ADJOURNMENT

Adjournment At: 1:25 p.m.

  
SENATOR ETHEL M. HARDING, Chairman

EMH/dh

minutes.419

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date *April 19, 1989*

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck		X	
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X		
Sen. Mike Walker		X	
Sen. Gene Thayer	X		
Sen. Paul Boylan	X		
Sen. Bruce Crippen	<i>excused</i>		

Each day attach to minutes.

COMMITTEE ON

Local Government

DATE

<sup>19</sup>  
April 6, 1989

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
<i>Lyle Nagel</i>	<i>Mt. St. Vpl. Firefighters Assn.</i>	<i>HR 47</i>	<input checked="" type="checkbox"/>	
<i>Henry E. John</i>	<i>Mt. St. Vpl. Firefighters Assn.</i>	<i>HR 47</i>	<input checked="" type="checkbox"/>	

(Please leave prepared statement with Secretary)

SENATE STANDING COMMITTEE REPORT


April 19, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HJR 47 (third reading copy -- blue), respectfully report that HJR 47 be concurred in.

Sponsor: Gilbert (Walker)

BE CONCURRED IN

Signed: 

Ethel H. Harding, Chairman

*4/19/89  
4:11 PM  
[initials]*

SENATE STANDING COMMITTEE REPORT

April 19, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HJR 46 (third reading copy -- blue), respectfully report that HJR 46 be concurred in.

Sponsor: Thomas (Thayer)

BE CONCURRED IN

Signed: *Ethel M. Harding*

Ethel M. Harding, Chairman

*J.C.*  
*4/19/89*  
*3:40*  
*P.M.*

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