

MINUTES OF THE MEETING  
AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

March 4, 1987

Rep. Duane W. Compton, Chairman, called this committee hearing to order at 1:00 p.m. in room 317 of the Capitol, Helena.

ROLL CALL

Reps. Loren Jenkins and Gay Holliday were excused; all other members were present. Lois Menzies was acting researcher for this meeting.

Bills to be heard were SB 348 and SB 238.

SENATE BILL 348

Senator Pete Story, Senate District #45, sponsor of SB 348, told the committee this is an act to provide a charge of 3 cents an acre or a minimum charge of \$3 on forest land, to be collected with fire protection district assessments for use in state fire suppression; amends 76-13-201, and provides an effective date and a retroactive applicability date.

This act changes the fee assessment for fire protection from \$14 to \$17. People who have land within one-half mile of the forest are getting fire protection for 17 cents an acre; this would increase the cost to 20 cents. It does not increase the amount of money that the department of state lands spends. It will supplement general fund money, but that will not yet pay quite all of the costs, but more of the general fund money can be supplanted for other purposes. This was a committee bill requested by the subcommittee on natural resources.

Sen. Story asked to carry this bill because it will cost him more than anyone else on that side. His lands will pay about another \$180 into the kitty. This money for those in fire districts pays towards fire protection - fire trucks, etc. This doesn't necessarily save your shack up in the mountains, but it keeps the feds from suing you for putting out the rest of the fire that you caused up there. That is why landowners would rather pay some money in taxes than pay a \$2 million fire suppression bill.

Those on the committee that know how we are going to balance the budget 43 days from now, maybe you don't need to have

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this, but if you pass this and take about 400 other steps of equal magnitude, you can go home this spring. It is just a question of which pocket you pick to pay another.

PROPOSERS - None

OPPOSERS

DON ALLEN, representing the Montana Wood Products Association, opposes SB 348. He explained that this bill might not have passed the Senate so popularly except for some unfortunate scheduling in the Senate. The bill was not included on the status sheet on February 14 which was also a holiday and a Saturday; it was to be heard by the Senate B&I committee February 16 which was also a holiday. The bill was then heard on adjournment on the 16th, not in the B&I which had not heard it either, but by finance and claims on adjournment. The committee members were the only ones there; only Senator Himsl voted against it.

The sponsor had already referred to the definition of forest land, but it is important to talk about other definitions. Forest fire protection means the work of prevention, detection, and suppression of forest fires, and includes training required to perform those actions. Forest land means land that has enough timber standing or down and whether it is brushed or grass land that constitutes in the judgment of the department a fire menace to life or property. Grassland and agriculture areas are included in that when those areas are intermingled with or contiguous to, and no further than one-half mile from areas of forest land. We are talking about a lot of area as far as the total. This is already in the law, so you will know what we are talking about in the scope of this bill.

Reference was made to the LFA budget report the subcommittee used as some of their basis for looking at the cost they were trying to cover. It has already been brought out by the sponsor that this is a major change of policy because we are talking about not really cost relating to the cost of the breakdown of the cost to the landowner and to the public. But are talking about replacing general fund monies, and in that sense it is a change in policy. In the LFA report where they talk about funding the forest fire districts, they talk about a 1958 study that was done by the Battelle Institute which says the forest fire protection costs have been assigned one-third to private property and two-thirds to public funding. Reasons in there are the value at risk in the public sector, the loss to the economy, the loss of other types of income producing properties, and jobs, and all the way through the economy if the fires are not controlled. There is a public necessity to control fires as well as interest to the private

property owner. Also section 76-13-207 requires the DSL now to prepare an annual operation assessment plan in which fire protection costs are determined. The section further requires the department to request the legislature to appropriate the state's portion of the cost. After the appropriation is made by the legislature, the department shall cause an assessment to be made on the owners of classified forest lands sufficient to bring the total amount received from such landowners to no greater than one-third of the amount specified in the appropriation. The key phrase of this section is again fire protection costs; and that contains the definition of forest fire protection which means the work of prevention, protection and suppression of forest fires. The legislature has already determined that private landowners should pay one-third of fire suppression costs, and that has been an accepted tradition for many, many years as far as how the cost is to be divided.

As far as the terminology about forest fire suppression vs presuppression goes there may be some terminology difference here, but as far as the reference to forest fire protection costs are concerned, they should already be included in the presuppression figures; if they are not, it certainly is not the fault of the timber industry or private landowners, ranchers, whoever. That is something of an oversight that obviously has not been recognized by DSL this year as far as not including that.

He has not seen a copy of their plan for this year, and doesn't know what is in it, but that should be the place where these costs should be dealt with. They feel that if the DSL needs more dollars to cover the cost of total fire protection expenses, and they have not been heard to say they do, they should include that request as required by law as part of their annual operation assessment plan. What all does that plan include? And how can you really separate the presuppression costs from the suppression costs, or for that matter other costs? What about personnel - how can you say that some people that work for state lands do nothing but work on fire-related tasks? They work on many other tasks and are available and have to be beefed up in order to be available for the fire fighting and the fire prevention aspects.

What about vehicles? They say they use the same pickups and trucks in many cases for other state land duties. They don't have just special pickups they drive throughout the year that are paid for out of this fund just to fight fires or just to prevent fires. That is part of their overall budget duties and part of the overall plan. In many cases the companies that own timberland furnish equipment and personnel in many instances without billing the state for helping in fire

fighting, especially in the smaller fires.

The real question here is: Is more money really needed? This idea if you want to make that policy decision change and say O.K. now we are going to have a separate fund in lieu of a general fund figure for fire suppression would be embarking on a dangerous new direction. If the DSL comes in and asks for more money for our total fire costs, then that should be part of the language that is in the bill. Should that be the decision, you should amend the part that just has the 17 cents per acre and has the \$14 per owner rather than create a whole new section or whole new process which creates a dangerous precedent because what is to keep anyone from helping balance the budget by putting more money into state lands so they don't have to take more from the general fund in the future? But can then come in and raise that fee over and over again to raise money because of a particularly bad fire year. They used a 12-year average for the top and the bottom year in their calculations. He was not arguing with the average cost in a bad year; but if the state budget still were not in good shape, it would be awfully easy to come in in a painless way and say this year we need 6 cents or we need whatever figure; so as a precedent these should not be amended this way if such a decision were made or they were to need any more money.

We are really talking about a tax increase on the private landowners here, and we might just as well call it that. One other thing, this particular sheet, EXHIBIT #1, is quite disturbing because of one particular category. It has the department's budget originally classed as a subcommittee budget Senator Story referred to, and then the last title - and this is the part that is most bothersome about the whole budget process without really justifying sometimes what we need and that is part of the reason why we are in trouble right now - is that the subcommittee figure is one figure and one-third of that against the landowners figure is another figure; and then the revenue that they are getting from the landowner assessments now, the last column says what the budget needs to be to use all the landowner funds, so the whole thrust is wrong. They ought to be figuring out how they can put less burden on the landowner instead of more. This points out the need to justify the need for more money.

MONS TEIGEN, representing the Montana Stockgrowers Association and the Montana CattleWomen, appreciates the problem articulated by Senator Story. They feel that a deal is a deal and the state has worked out over the years a one-third assessment on landowners. This is going to change that arrangement so that a future legislature could change it still further. Cost of fire suppression is probably a bargain

if you are in an area where there is classified timber. The fact that you can get fire protection and you only have to pay one-third of the cost is a real benefit. You ought to also realize that there is a lot of public advantage to controlling those fires. You have air quality, water quality, elements of risk, some people have beautiful homes out there, some don't, the vast acreage of timber, grassland doesn't have much value other than grass, so the present arrangement is workable and hopefully if the legislature needs more money to balance the budget, maybe they can use a sales tax or something like that. He hoped the committee would see fit not to pass this piece of legislation.

JOHN DELANO, representing the Plum Creek Timber Company, wished to concur with what Don Allen and others have stated. They are opposed to SB 348.

WILLIAM KIRKPATRICK, Champion International, invited the committee's attention to the fact that we have a 3 cents per acre increase for the owners of all forest lands. We have heard before that it is the responsibility of private forest landowners to take care of one-third of the total cost and it is the responsibility of the state to take care of the other two-thirds. Over the years this formula has essentially been followed. Might be a little argument one way or the other. The private landowners pay one-third and the state would pay two-thirds. Under this proposal the private landowners will have their assessments increased by 3 cents and that in effect would decrease the assessment for the state from the state's general fund by 3 cents or a total of 6 cents difference. If we followed precedent, we would say we need more money, if that in fact is true and there is no indication of that, so if we need another 3 cents, we would ask the state to put up another 6 cents for a total of 9 cents. That would be the program as it has been in the past; but as has been pointed out here there are very serious basic policy changes that are involved in this. They are opposed to this bill.

DENNIS HEMMER, Commissioner of State Lands, neither opposes or supports SB 348. That position is sometimes perceived as being in opposition to the bill, but the reason we do that is a commitment made two years ago that the DSL would not come in for any changes in this law for four years, and they feel bound by that commitment. There are a couple of things to point out. There was an interim committee that looked at this during the interim between the '83 and '85 sessions and that is where the one-third/two-thirds law came into being. Much of that was based on information that the DSL submitted, and the department recommendation at that time was to not look at

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the supplemental cost which is the suppression cost because it varies so much. The concept embodied in SB 348 is a basic valid one. Basically you are looking at the 12-year average. They did come in and ask for \$557,000 for a supplemental. The supplemental that they come in each time and ask for is what this is aimed at. There are people here who deal with fire and would be happy to answer any questions.

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Rapp-Svrcek remarked that increases in this proposed legislation would not quite cover all the costs. What costs are you speaking of and what would it take to cover them? Senator Story deferred the questions to the DSL. Mr. Hemmer answered the cost it would cover is one-third of the supplemental costs. The theory behind the bill is that this money is to be put into a separate account. Each session when a supplemental request is made for the amount expended for fire suppression, this separate account could be appropriated to cover that cost. There is no way to budget for fire suppression. The theory here is that an amount equal to one-third of the average cost for fire suppression would be put into this account; you would then draw out of that to match the state dollar one-third/two-thirds to pay that suppression supplemental. Rep. Rapp-Svrcek continued, so what we are talking about here is, if we accept the premise that the private landowners are responsible for one-third for fire protection, then this bill would cover that one-third, and then the state's two-thirds would come from the supplemental? The DSL explained that is correct - the one-third/two-thirds covers presuppression costs. It is not intended to cover suppression costs. This would expand it to cover one-third of the suppression and two-thirds of the suppression would come through the supplemental. It would take an appropriation by the legislature to get a supplemental appropriation out of this fund.

Rep. Ellison asked every biennium when you come in for a supplemental this new section 3 may allow this figure to change from 3 cents to 20 cents or whatever to cover whatever you were short during the biennium? Mr. Hemmer said that would have to be directed more to the LFA. As he envisioned it working it is No, since it is based on a 12-year average he envisions that if you deposited in that account over time what you should get into it should cover one-third. In this particular biennium it would have covered more and you would have excess in the account. The past biennium we would have overdrawn the account. The theory is that you would deposit it in the account and then use an amount equal to one-third and that over time the 3 and 3 would do it.

Rep. Ellison asked why 3 cents wasn't just added to the 17 cents? Mr. Hemmer thought it was valid to put it into a separate section if it is going to be done because it is a separate account. The money we are bringing in under the first section is the DSL appropriation, it is their special fund that keeps their fire program running. The second part would go into a separate account that would theoretically at the end of 10 years be at zero. The idea is that it is a separate account just to cover suppression. If it is mixed up the whole thing gets into some very complex accounting. It gets very confusing. The theory here is that you have a separate account to pay those supplementals.

Rep. Corne' said it appeared to him that this charge made on forest land is essentially a portion of the cost of fighting fires and therefore it is a kind of insurance. If supplementals over the years have indicated that the amount being charged for this land is not sufficient, why don't we increase the rate rather than create a separate budget? Sen. Story said he would rather keep it in a separate fund. Rep. Corne' thought the supplementals come out of the general fund and there would be no additional cost to the landowner. He pays this amount per acre per year and this is his only obligation. Sen. Story said that is what you are doing under this bill.

Rep. Ellison stated this could jump from 3 cents to 20 cents, to whatever. This is what it would be until you change the statute with another bill. Mr. Hemmer advised the section being looked at is aimed at paying presuppression which is a nice neat budgeted cost. They know what that is going to be, but they can't tell or even guess what suppression is going to cost because it varies so much. The idea here is that you would have a separate account that would over time build up and you would be raising it and drawing on it according to what the legislature would appropriate as part of the supplemental. By keeping it separate, on the one hand the assessment comes in as one, and so far as the landowner was concerned, and it would still look like one payment. The problem is if it is combined is how can the DSL show it budgeted so that you can appropriate accordingly. By keeping them separate, the one is a budgeted amount that is consistent from year to year; the other varies and over the last three years has been at \$2.8 million, \$3.2 million and \$550,000, and the year before that it was at \$22,000. That gives you an idea of what trying to budget that would be.

Rep. Patterson said page 1, lines 22 in existing law show forest landowners are paying 17 cents per acre per year, then you go over to the new section 3 and the additional 3 cents

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comes out to be 20 cents per acre these people will be paying which means they will be paying right at \$128 per section for fire protection? Sen. Story answered Yes, if they are checkerboarded and are within one-half mile from the forest. Rep. Patterson thought by looking at Exhibit #1 that Mr. Allen handed out that the subcommittee had cut something. It looks like they might be trying to replace what the subcommittee cut by this bill? Sen. Story said they are trying to supplant the general fund.

Rep. Ellison asked if this 17 cents is all presuppression? Presuppression is not mentioned in the bill. Mr. Hemmer answered that essentially all of the money they collect right now goes into presuppression. Mr. Hemmer stated what they get into is they have a certain number of personnel on line and a certain number of operating activities. If there is a small fire they go out, put it out during working hours and do not get into any overtime unbudgeted expenses. There may be some unbudgeted fuel that will enter into it, or something like that that is not budgeted. When you get into overtime and bringing in other quipment, there is no way to budget for that, then that separates out and goes into the suppression category for which there is no budgeted money. It was never the intent that would be included in the law when it was brought up. It was very clear at the time that it would be simply presuppression.

Rep. Cody asked with this type of increase, how would that rationale change? Allusion was made to the fact that the landowner has historically paid one-third and the state two-thirds. Mr. Allen stated he was not sure. According to the DSL in conversation with them, this would bring it to a total of one-third, but that doesn't necessarily jibe with the fact that in the budget features were cut by the subcommittee. He was not sure that what they determined was necessary and what was not necessary. There seems to be some left over in the funds they are getting now, so they just come in arbitrarily and ask for another \$210,000. That needs to be looked at a lot closer.

Rep. Cody asked if the DSL needed \$210,000, or if that were strictly a supplemental? Mr. Hemmer answered Yes to both questions. A supplemental is something that they have to have or the DSL quits running. The way we cover those costs is we eat out of the future budget, and so without the supplemental, the department shuts down when it runs out of money, which is probably about the time the legislature ends. They do need the money. The supplemental is something they have a tacit agreement with the legislature to do that rather than try to budget that - whereby we would either end up with

a lot of surplus or not enough - we simply come in each time and ask for a supplemental to cover it. The goal of this is to include the supplemental part of the landowner assessment. Right now the supplemental is covered entirely by the state.

Rep. Patterson asked you mentioned something about this bill being needed because the subcommittee reduced some budget funds? Mr. Allen said he was referring to the fact that he was not real sure because it looked like after the subcommittee made their cut there were excess funds of \$49,000, and we are talking about \$210,000. The question is why do they need another \$210,000 if they have \$49,000 left. What they keep trying to say is it is a separate fund. The thing bothering him and maybe Rep. Ellison is that there is no guarantee in the new language that a separate fire suppression fund will not go beyond one-third to the landowners.

Senator Story closed thanking the committee for their courtesy. This is not one of those bills you take home and take pride in. This state is broke. This is not a bill he would have voted for in previous sessions because at that time he thought the state should pay for the cost of forest fires. The point is the time has come to make tough decisions. This bill will cost him more than most people will have to pay. He feels that each of us at some point, in order to do our duty by the state and get out of here and not have a fullblown taxpayers rebellion, are going to have to make some hard choices, and this is one of them. If it turns out this is not one of those nice things you want to pass, he suggested that rather than taking it out as an adverse, you at least table it in committee, so that at the end of the session, when many millions may be short, this will be one of your options to get part of that. The Senate committee unanimously went for this because we needed some money for the general fund budget. They looked at a whole bunch of fees which do not cover their cost of administration, and fees may have to be raised to be more in line with their costs, and that is what SB 348 does.

#### SENATE BILL 238

Senator Tom Beck, Senate District #24, sponsored SB 238 which is a rodent control bill. This act is to impose a surcharge on the retail sale of field rodenticides and to authorize the DOA to expend these funds for vertebrate pest management purposes, to establish a vertebrate pest management advisory council; amends 80-7-1102, MCA; and provides an immediate effective date.

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This bill will establish a vertebrate management council. Prior to 1972 ranchers and agriculture were allowed to use the compound 1080 to control rodents and coyotes and other predators to agriculture crops, but in 1972 the compound 1080 was cancelled as a field rodenticide. From 1972 to 1979 the only compound that ranchers had to control rodents was a strychnine compound that wasn't all that efficient. They also had some zinc phosphate chemicals, but nothing was really doing the entire job and rodents got to be a real problem, so in 1979 Montana and the DOA petitioned the Environmental Protection Agency (EPA) for an emergency use of 1080 to control the Columbia ground squirrels in western Montana. Permission was granted under some severe restrictions to which he is opposed. They required the applicator be licensed, that it be handled through the counties, that the bait be locked at all times - very stringent controls, but the program worked well; but this was only for emergency purposes. In 1984 the EPA took away the emergency provision. They figured if you haven't got it controlled by this time, you never will. Rodents are a thing that you never kill all of, and they multiply tremendously rapidly, so there is the same problem as before. We don't have the teeth to get the emergency appropriation back in. In 1986 the Rodent Action Committee got together in western Montana. It was comprised of agriculture producers, employees of the Montana DOA, the cooperative extension service and others to address the field rodent management needs. Western Montana landowners had been frustrated with the lack of effective economical rodent control. The general consensus of this meeting was to formalize a more permanent body representing the agriculture producers to experiment in different methods of rodent control and to try to address the EPA's concerns about 1080 and strychnine which is about to be put into the same classification as 1080. SB 238 will address these problems.

This is to be funded by assessing five cents for every pound of rodenticide that is registered for field rodent control in Montana. More revenue will be needed to fulfill the full appropriation, so the plan is to have agreements with counties in the different areas where there is a real problem. Counties have the authority to levy two mills for rodent control in each county, and between that and the assessment there will be enough funds to address the field damages and the EPA's concerns in order to try to register both of these compounds. The state committee will be comprised of ranchers from various areas of the state, a member of a wildlife or sportsmen's groups, a member of the rodenticide industry, someone from the public lands industry, technical advisers from the DOA and the University of Montana. There is a real need for this program, especially on

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irrigated farms. There is no way to drown the rodents. Senator Beck urged favorable consideration of SB 238.

PROPONENTS

JO BRUNNER, representing the Montana Grange Association, said they wish to do something to support Senator Beck's efforts to alleviate the problems the state has with rodents and the burdens placed upon any efforts to control rodents. See her testimony, EXHIBIT #2. She asked that SB 238 Do Pass.

REP. CHARLES SWYSGOOD, House District #53, supports this legislation. This is needed so the process of evaluating the surveys of the EPA or whatever is necessary can be gone through again so use of 1080 to control rodents can be continued. He will carry this bill on the House floor.

MONS TEIGEN, representing the Montana Stockgrowers, the Montana CattleWomen organizations, supports this legislation wholeheartedly. They envision this as setting up an arrangement so the state can conduct their own studies and go to the EPA and get more favorable action. If we sit around and wait, the EPA is not going to do it.

KEITH KELLY, Director of the DOA, was present to provide technical information. The producers themselves are paying the cost of the rodenticide to control gophers, and are doing some work to try to get some products back and utilize them in the control of ground squirrels and gophers. The same issue was raised during the last legislative session with regard to eradicating skunks in eastern Montana. This study should be completed. The industry does not use a large enough volume of chemicals so the chemical companies themselves are probably not going to go through the whole process of the various studies required. In the case of wild oats where they could see millions of dollars of a product sold to control wild oats, those industries would come out and usually finance a good share of the studies, but that is not the case here. The DOA has a list of all the studies and criteria that must be met by EPA to satisfy them that it is safe and useable. There was not enough time to complete all the study processes at the pilot program in Missoula, it takes time and money to complete that process. Here you have a case where the industry themselves are trying to help the state bureaucracy complete the studies. They can't get any money any place else. The western states will be working together, so it isn't only Montanans solely doing all the studies from scratch by themselves. Studies done in other states can be used in Montana. He envisions and hopes to be able to at least be able to get back 1080 which was quite effective and

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there was no long-time problem with it. It was properly administered. He urged the committee's favorable consideration to this, and feels they could administer it to the satisfaction of everyone.

JACK PERKINS, rancher in Powell County, is in favor of SB 238. Something has to be done about gophers. There have been three programs that have pretty well proved to the EPA that there can be a safe program to poison gophers. Two of these programs worked out real well, the other had a few problems, but a lot was learned. This way it could be proven to the EPA that 1080 can be used safely. If strychnine is taken away, we will really be in trouble.

JOHN VANESCO, Deer Lodge County, was one of the pushers behind all of this to get this started. There has been a lot of work done and money can be obtained from the counties. An application has been sent to Washington, D.C. for a grant to help this study along, and hope to get some money out of this bill. The state is in such bad shape we can't expect to get any money there. He would appreciate it if SB 238 would give them a few bucks. They have prepared a film on this particular problem because it makes it easier to talk to the EPA and people back in Washington, D.C. that have no idea of what this is all about and what happens. If a few people would like to see this film someday, feel free to ask. He would answer any questions he could.

OPPONENTS - None

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Keller asked what sources are available right now for commercial compounds of zinc phosphate and strychnine. Gary Brown, DOA, advised the sources available right now for strychnine and zinc phosphates is the Pocatello depot which is a federal operation, and the Sylvester plant in South Dakota which is a privately owned rodenticide plant. Also South Dakota's DOA has sources of strychnine. The 1080 program was attached to the DOA and put out to the counties.

Rep. Keller asked if the five cents would be collected from the purchase at those companies. Mr. Brown answered that would be true. There are some other rodenticides that are used in very specialized situations. They would also be taxed, but the amount derived would be very small.

Rep. Cody asked about removal of the use of 1080 and strychnine. Mr. Brown advised the EPA has already taken off 1080, and has called for data on strychnine to be in by a

specific time, otherwise the product will be cancelled. That can take up to 3 or 4 years, but the people that want these baits have probably six months time to get certain types of data in.

Rep. Cody asked how the five cents surcharge and the two mill county levy would be worked out. Sen. Beck advised this is strictly a voluntary program. The five cents will raise about \$10,000. He hoped that would be enough money, but if some counties would think it important enough, they could contribute up to the two mill levy they are allowed for rodent control. He expects some western Montana counties will contribute maybe \$400-500 to this program.

Rep. Koehnke asked if the \$3,000 federal grant is included. Sen. Beck said that it was.

Senator Beck closed relating his experience with a gopher hole while riding his three-wheeler.

#### EXECUTIVE SESSION

##### SENATE BILL 238

Rep. Rapp-Svrcek asked the committee's indulgence to hold this bill for a day or two so he could look into a minor amendment. The committee agreed.

##### SENATE BILL 348

Rep. Marian Hanson moved SB 348 Be Concurred In for purposes of discussion. Rep. Rapp-Svrcek seconded the motion.

Rep. Cody does not like this bill because it is not addressing the real problem and is imposing on people.

Rep. Hanson explained the DSL is charged with all the fire suppression that the forest service has been doing. They are gradually shifting that responsibility over a 10-year period to the DSL, and they are trying to get a fund so they don't have to come back to the general fund every two years asking for these supplementals. Three cents is three cents, but if you ever had a fire that was started on your property and went to forest land and you saw the equipment forest service brought out there, this would look cheap. That is her interpretation of what the three cents is for.

Rep. Rapp-Svrcek thinks this is an important bill that goes at the problem exactly the way it should. Testimony revealed that the fund now in existence doesn't cover the suppression

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end of the problem, and this is a good way to go about it. It is also a good way of freeing up some general fund moneys.

It was explained to Rep. Giacometto that this three cents is to be assessed on private land within one-half mile of forest land. He did not like this.

Rep. Bachini agreed with the sponsor that SB 348 should be held in case it is needed later. He had the impression this bill was part of trying to balance the budget by coming up with a few dollars, and he doesn't agree with this method of trying to balance the budget. He is not against the bill on the face of it. The DSL has always come in for a supplemental when they have incurred expenses above their budget.

Rep. Rapp-Svrcek would rather have this bill passed out. Some difficult decisions are going to have to be made and we may as well start with this easy one. Regarding supplementals, it was testified they are not covered by the private landowners at all. Those are entirely state funds. He thinks the landowners are benefitting from what these supplementals are paid for and they ought to carry their one-third obligation.

Rep. Corne' sees this fee as being an insurance fee to pay the landowner's share of suppressing fire. He thought the fee should have been increased because it apparently is requiring a fairly regular supplemental. The difference obviously is that the program for fire suppression on private land is not carrying its weight. He understands what they were trying to do by creating a special fund. We are short of funds this time to balance the budget and this is one way to get some with no additional costs that are directly related to fighting fires on private land.

Rep. Patterson said they have a volunteer fire department they have always paid into and if there is any range fires or forest fires that has always been their job. He has no problem with a motion to table SB 348.

Rep. Campbell doesn't think the fire suppression cost is all on private land, it is also on state land. SB 348 asks the landowners to supplement the state.

Rep. Rapp-Svrcek explained that is the entire amount of the supplemental which is for fire suppression only. Without passage of this bill the private landowners are benefitting from that fire suppression but are not paying any of that supplemental. This bill asks that they pay their one-third of that supplemental for fire suppression.

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Rep. Ellison thought there was quite a little misunderstanding of what this does. This cost has ranged from thirteen cents to sixteen cents an acre, but fire costs keep going up. This seventeen cents an acre isn't enough money to pay the one-third, and they put it over here for bookkeeping purposes. Actually what they need to make this come out one-third and two-thirds is another three cents an acre. They confused everybody by putting this other three cents over here and that is just going to be used strictly for fire prevention. It won't be used for vehicles, etc. normally used on a fire. If you have your own fire protection, or a fire district, you don't have to pay anything. This seventeen cents is a lot cheaper than if a fire starts on your place and gets out on the forest lands. They charge you about \$2 million for putting out a fire. It is a pretty good deal, but they loused it up by putting this other section in here. All they are doing is raising the fee three cents an acre.

Rep. Cody commented Mr. Allen testified this would be paying more than one-third.

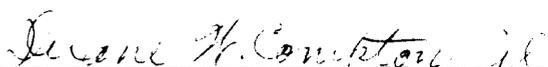
Rep. Patterson said this would raise the cost \$19.20 per section which would be like a fire insurance program. Until the timber economy begins to rebound, this will impose an additional burden on them. He would like to get more input from other affected landowners before taking action on this bill.

Rep. Ellison summarized that prior to SB 348 the DSL did not budget for fire suppression in their regular budget. They came in with a supplemental after the bills are all paid. Up until now private landowners have never paid one-third of that supplemental, and that is what this three cents would do. Actually up until now they haven't been paying one-third because they haven't paid the supplemental. The DSL just budgets so much for an average and then they come in for a supplemental that comes out of the general fund.

Rep. Giacometto made a substitute motion that SB 348 BE TABLED; Rep. Campbell seconded the motion. The motion carried with a roll call vote showing 11 in favor of and 6 opposed to tabling.

ADJOURNMENT

This meeting adjourned at 2:30 p.m.

  
REP. DUANE W. COMPTON, Chairman



ROLL CALL VOTE

AGRICULTURE, LIVESTOCK & IRRIGATION

COMMITTEE

DATE

March 4

BILL NO. SB 348

NUMBER

NAME	AYE	NAY	ABSTAIN
Rep. Duane Compton, Chairman		✓	
Rep. Loren Jenkins, Vice Chairman		✓	
Rep. Bob Bachini	✓		
Rep. Bud Campbell	✓		
Rep. Dorothy Cody	✓		
Rep. Richard Corne'	✓		
Rep. Gene DeMars	✓		
Rep. Orval Ellison		✓	
Rep. Leo Giacometto	✓		
Rep. Marian Hanson		✓	
Rep. Gay Holliday		✓	
Rep. Vernon Keller	✓		
Rep. Francis Koehnke	✓		
Rep. John Patterson	✓		
Rep. Bing Poff	✓		
Rep. Paul Rapp-Svrcek		✓	
Rep. Harriet Hayne	✓		

TALLY

11

6

Jo Lakti  
Secretary

\_\_\_\_\_  
Chairman

MOTION:

Substitute motion to table SB 348 -

Motion made by Rep. Giacometto, seconded by Rep.  
Campbell

EXHIBIT #1  
 DATE March 4, 1987  
 #B SB 348 - Senator  
 Pete Story

FOREST FIRE PRESUPPRESSION BUDGET

DEPARTMENT'S ORIGINAL REQUEST	FISCAL 1988 SUBCOMMITTEE BUDGET	WHAT BUDGET NEEDS BE TO USE ALL LANDOWNER FUNDS	DIFFERENCE
Total request \$3,602,989	\$3,396,553	3,440,190	43,637
1/3 of total req revenue from 1,200,996	1,132,184	1,146,730	
landowner assessment 1,146,730	1,146,730	1,146,730	
under (over) 54,265	(14,546)	0	

DEPARTMENT'S ORIGINAL REQUEST	FISCAL 1988 SUBCOMMITTEE BUDGET	WHAT BUDGET NEEDS BE TO USE ALL LANDOWNER FUNDS	DIFFERENCE
Total request \$3,515,023	\$3,294,896	3,443,679	148,783
1/3 of total req revenue from 1,171,674	1,098,299	1,147,893	
landowner assessment 1,147,893	1,147,893	1,147,893	
under (over) 23,721	(49,594)	0	

348 EXHIBIT #2  
 DATE March 4 1987  
 1850 348 - Sen.  
 Peter Stony

AC -  
 Don Aulen

FOREST FIRE PRESUPPRESSION BUDGET

	DEPARTMENT'S ORIGINAL REQUEST	FISCAL 1988 SUBCOMMITTEE BUDGET	WHAT BUDGET NEEDS BE TO USE ALL LANDOWNER FUNDS	DIFFERENCE
Total request	\$3,602,939	\$3,996,553	3,450,190	43,637
2/3 of total req revenue from	1,200,996	1,132,184	1,146,730	
landowner assessment:	1,146,730	1,146,730	1,146,730	
order (over)	54,255	(14,546)	0	

	DEPARTMENT'S ORIGINAL REQUEST	FISCAL 1988 SUBCOMMITTEE BUDGET	WHAT BUDGET NEEDS BE TO USE ALL LANDOWNER FUNDS	DIFFERENCE
Total request	\$3,515,023	\$3,294,896	3,443,079	143,783
2/3 of total req revenue from	1,171,674	1,098,299	1,147,693	
landowner assessment:	1,147,693	1,147,693	1,147,693	
order (over)	23,731	(49,594)	0	

EXHIBIT #2  
DATE 3/24/87  
SB 238 - Sen. Tom Beck

WITNESS STATEMENT

NAME Jo Brunner BILL NO. SB 238  
ADDRESS 2015 1/2 9th Avenue DATE 3/4/87  
WHOM DO YOU REPRESENT? Montana Grange  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Montana Grange wishes to support Senator Beck's efforts to do something which will alleviate the problems this state has, not only with rodents, but with the various burdens placed upon any efforts we enter in to control those rodents.

We support a pest management advisory council, made up as is indicated in the bill and the fact that those using the various rodenticides will be the primary financial supporters of the system.

We ask that you do pass SB 238

VISITORS' REGISTER

Ag Livestock + High COMMITTEE

BILL NO. SB 238

DATE March 4, 1987

SPONSOR SB 348

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>[Handwritten Name]</i>	<i>[Handwritten Name]</i>	238	
<i>[Handwritten Name]</i>	<i>[Handwritten Name]</i>	238	
<i>[Handwritten Name]</i>	<i>[Handwritten Name]</i>		<input checked="" type="checkbox"/>
Don Allen	Mt. Wood Products Assoc.		SB 348
<i>[Handwritten Name]</i>	<i>[Handwritten Name]</i>	238	
Mons. Teigen	Mt. Stockgrowers + Cattle Women	SB 238	SB 348
<i>[Handwritten Name]</i>	<i>[Handwritten Name]</i>		
Gary G. Brown	<i>[Handwritten Name]</i>		
John [Handwritten]	Pharm [Handwritten]		348

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.