

Chairman Brand called the meeting to order at 10:00 a.m. Roll was called, with Mular and Ryan absent.

HB 68-Rep. Bertelsen, sponsor of the bill, opened the hearing. He gave compliments to the Interim Committee, and stated that the bill was an attempt to improve and update Montana's fire protection and prevention. He gave main intents of the bill as being: the present system is unmanageable in areas constantly subdividing, there are some substantive changes from the present laws as far as extent of protection, it is an attempt to simplify the language, and training has been included. He noted duplications in the present law which have been taken out. The major change will be to one class of timber land rather than two; and there will be a fee increase to \$.16 per acre maximum rate and a \$6.00 minimum charge to private owners.

DICK HARGESHEIMER submitted a summary of HBs 38, 54, 62, 67 and 68. See attachment #1.

Rep. Bertelsen pointed out that the outbreak of subdivisions has increased the paper work and mapping necessary for the Department of Natural Resources. An additional fee will be levied on the landowner each year. After an annual operational assessment on fire protection costs is made, the legislature shall appropriate the state's portion, and then the department shall cause an assessment to be made on the owners of said land to bring the total amount received up to the amount specified in the approved plan. Special note was made of the fact that all payments required by private owners are assessments for benefits actually received by the owners, and are not a tax. The bill makes it somewhat mandatory for counties to cooperate with the department in fire protection. This is a major effort to get someone to take responsibility. Rep. Bertelsen made it clear that he felt this to be an important bill, and hoped the committee was willing to make amendments or changes if necessary.

BOB PERSON, Director of the Research Division of the Legislative Council, submitted a written statement on the general revision of Montana's fire laws in connection with the Interim Subcommittee--please see attachment #2 under separate cover. Mr. Person stated that one of the major tasks the Interim Committee had set out to achieve, was to reduce the barriers to delivery of fire protection equipment, to fill any voids in the law and to deal with overlaps.

MR. TED DONEY, Chief Legal Counsel for the Department of Natural Resources, introduced the other people who had come to testify for the bill.

RICHARD SANDMAN--Chief of the Fire Control Bureau, Division of Forestry, Department of Natural Resources and Conservation, Missoula--came as the chief witness with maps, charts and graphs to illustrate what his office feels to be the crying need for the passage of this bill. Once again it was pointed out that the outrageous increase in the practice of subdividing rural land has greatly increased the paper work necessary for his office. He elaborated on the man hours necessary to remake maps and the equipment (helicopters, etc.) needed. He showed the committee maps of forest land versus private land dated 1971 and 1976, and clearly showed the increase in mapping necessary due to smaller and smaller parcels of land being sold. This point also illustrated the increased danger of fire due to the influx of people on to what was at one time primitive timber land. Sandman pointed out that passage of this bill would alleviate the need for his department to remap and assess fees--as the responsibility would be on the county.

Other proponents were: Gary Spaeth, also of DNR; Dan Mizner, of the Montana League of Cities and Towns and the Montana Fire Fighters' Association; Henry Lohr, of the

Broadwater County Rural Fire District, Montana State Volunteer Firemen's Association; R.A. Ellis, of the Montana Volunteer Firemen's Association.

JOHN DELANO, of the Montana Railroad Association and Gerald Neils, of the Montana Loggers Association, spoke in general support of the bill. Don Nettleton, Timber and Land Department of Burlington-Northern, submitted written testimony (see attachment #3) as a proponent.

GUY SPERRY, Secretary/Treasurer for the Gallatin County Fire Council, appeared in favor of the bill. He especially noted the portion of the bill which requires notification of the protection agency for that protection area and a written permit before commencing with any private burning, as this has been a problem, i.e. fires getting out of hand when people don't have appropriate protection on hand.

Rep. Robert Marks, of Clancy, appeared as a private landowner neither in support of nor in opposition to the bill. He objected to the combining of the classes of timber and grazing lands, and the increase in the protection fee. His feeling on this was based on the difference in actual land condition between eastern and western Montana, and therefore the difference is usable timber. "Much of the area right around Helena is scruffy; and there should be a differentiation about the quality of the timber." He pointed out that being charged more for protection of unusable timber would encourage land owners to subdivide in an effort to cut expenses, or cut the timber to block the charge. He went on to say, "Everybody has mentioned the liability of the landowners. Sandman has said that most fires are not caused by the landowners, but by people using the land, or land adjacent to it. I maintain that the state should pay more of a percentage than it is now. I think the greatest benefit is to the people other than the landowners, in the protection of the watershed." He called the committee's attention to page 8, section 6--(Determination of costs of fire protection), and stated that, "I'm not concerned with liability; but I feel I have greater capability than the state to fight fires on my property--I am closer, I have the equipment--in a case of liability, you would have to prove any negligence. If a fire starts, and I fight it to the best of my ability, I don't see how I can be held liable." He went on to discuss liability insurance, and pointed out that most landowners carry ample coverage--therefore, this bill would put an added burden on large landowners, who most often have liability anyway.

Rep. Bertelsen closed by saying that he had expected some opposition, and had realized that some amendments would possibly be necessary; but emphasized the definite need for the state to contribute more to the cost of protection, because the value is not limited to the landowners.

Chairman Brand opened the hearing for questions from the committee.

Rep. Menahan questioned why state intervention was being requested, when usually the opposite is true. Rep. Marks countered by saying that small landowners had worked out affidavits agreements to pay for fire protection--but the problem is that the subdivisions are usually where the fires start, and yet the subdivisions don't have to pay as large a share as ranchers.

Rep. Turner questioned whether landowners could be held liable except through negligence. Mr. Sandman replied that state law says that owners of forest land - class 1 & 2 - must do everything to stop a fire and keep it from spreading, but that not all landowners had the necessary equipment or the capability to fight their own fires. Sandman also brought up the point that his figures show that 51% of the people on 51% of the land agree that they want to be included in the fire protection district.

Chairman Brand closed the hearing on HB 68.

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HB 67-Rep. Robbins, sponsor, Chairman of the Interim Subcommittee on the revision of Montana's Fire Laws--He opened by stating that his committee had put together a package of six bills--not all of which would come before the committee--and had held hearings in Helena, Missoula, and Lewistown. Please see attachment #4 for his statement.

BOB PERSON spoke briefly on this bill and referred the committee to his report--see attachment #2.

WILLIAM PENTTILA, State Fire Marshall, spoke at length on various funding for his office since 1941, when the legislature put his office under the general fund. He spoke of the increase in structural fires; and the need for more money to be put into prevention. "We need to train the fire services, the public, and the fire service officers to stop the fires before they start." He elaborated on the Fire Marshall's budgets of '75 and '76, and the projection for '77 - see attachment #6. He specified two priorities relative to additional monies coming into his office, these being: (1) to accelerate the fire prevention program with publications about fires in the home, and (2) more training for fire service and local law enforcement. "Arson loss has been phenomenal." He went on to say that Section 3 deals with distribution of monies--1/4 of one percent is designed to be used on the local level to enhance fire prevention. The office would not be increased in size, the money would be used to improve the present services.

ED JOHNSTON, Montana State Firemens' Association--We know the funds are short, but the office is understaffed. We feel 1/4% should be returned to this department. Fire prevention is always better than putting a fire out. The Fire Marshall's office has been pushed around. We want to be put into one office with training, fire safety, and land management. Our cars are worn out. We have 2 or 3 fires at a time, and can't get to all of them at once. The population is increasing, and Urban Renewal isn't tearing down buildings fast enough. We need more money.

GUY SPERRY, Gallatin County Fire Council, spoke again, saying that his office received much support from the Fire Marshall's office and that the Council supported this bill.

DAN MIZNER, Montana League of Cities and Towns, spoke here and revealed that the State Fire Chiefs Asso. had passed a resolution to try to get this bill passed; and that his organization favored prevention and training and would like to see a Do Pass.

OPPONENTS appearing were Boyce Clark, representative for the Independent Insurance Agents of Montana, who submitted written testimony--see witness sheet #17, and Glen Drake, of the American Insurance Association. Both men pointed out the fact that an increase in insurance premiums would put Montana at 5.5%--the highest in the nation. Also, that a tax placed upon fire insurance holders would benefit all persons, not just policy holders--although the policy holders would be the only ones paying the price. Both men did support earmarking the revenue derived from such a tax--were it passed--rather than simply placing it in the general fund.

Rep. Robbins closed the hearing on HB 67, and the Chairman opened the hearing for questions from the committee. Whereupon Rep. Kropp queried whether the Fire Marshall was in need of more money or more properly distributed money. Mr. Penttila elaborated here on fire damage costs.

Various questions came from the committee as to whether the number of fires had increased or just the cost of fighting fires, to which Mr. Penttila retorted that their

reporting system has been improved, but still lacks enough man power to really be effective--thus, the actual number of fires that occur is rather uncertain. Penttila stated that he would rather see the funds earmarked than simply placed in the general fund; and since there would be an Audit Committee, his office would have to show exactly where the money is going. "We would do things on a priority basis, and generally upgrade the whole state as to fire prevention." Please refer to attachment #5 for Rep. Bardanouve's report on the Fire Marshall Bureau's budget as this explains in more detail the breakdown per year, and gives another explanation of the need for the tax.

Rep. Tower asked whether earmarking the funds would make it possible to reduce the tax. Mr. Penttila replied: Thus far, most general fund money has never found its way to his office. Earmarking isn't going to reduce the tax.

At this point Chairman Brand asked why the Fire Marshall's office did not use the State Motor Pool, to which Penttila replied, "We were assigned cars from that, then they stopped service at various shops, and turned out cars back over to us. We do occasionally lease cars for \$.15 a mile, but we can operate our old cars for much less." Please see attachment #6 for Penttila's budget chart.

Boyce Clarke pointed out that if the tax were paid to the department, plus the fact that fire rates were increased, then there should be enough money to take care of the program Penttila is proposing.

Chairman Brand then closed the hearing, and opened on HB 54.

Rep. Marks, sponsor of the bill, explained that this would require the Secretary of State to notify the Legislative Council of any ballot issue.

HB 57--sponsored by Rep. Marks, and relative to legislative pay--please see attachment #7 for present revised codes pertaining to compensation of members, officers and employees of the legislative assembly. Various discussion went on concerning methods of payment, and rates--air miles versus highway miles when travelling--and per diem for various trips, the travel day has been divided into four segments relative to pay, and Rep. Marks ended his statement by telling the committee to drive slow if they had any interim meetings to attend.

DICK HARGESHEIMER pointed out a correction in the pay regulations--see attachment #1, subattachment E.

HB 38--Rep. Bardanouve, sponsor of the bill, explained that this was another recodification bill, with no substantive changes. Rep. Lien stated that, "The Game Wardens had wanted to amend this, but when they reconsidered, they decided, I believe, to propose another bill."

HB 62--another recodification bill which deals with firemen's retirement, death and disability benefits. Sponsored by Rep. Bardanouve, who stated that "Had there been any substantive changes, you can bet that all of the firemen would have stayed." By this time, the retinue of witnesses--90% of which had been firemen or fire-related--had left the committee room.

HB 12--also sponsored by Rep. Bardanouve, and another recodification bill, deals with sheriffs' retirement, death and disability benefits. Bardanouve stated that as written, the bill does not change the law.

At this point, the committee went into executive session:

HB 12-Rep. Bardanouve moved DO PASS, seconded by Lien, passed unanimously.

HB 38-Bardanouve moved DO PASS, seconded by Menahan, passed unanimously.

HB 54-Lien moved DO PASS, seconded by Meyer, passed unanimously.

HB 57-Lien moved DO PASS, seconded by Kropp, passed unanimously.

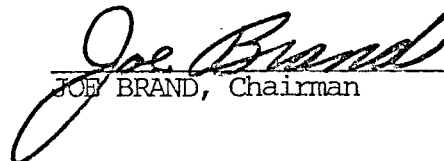
HB 62-Bardanouve moved DO PASS, seconded by Smith, passed unanimously.

HB 67-Lien moved to pass until the committee could have the Fiscal Analyst give a projection of cost of the increase. Meyer seconds. Motion passes unanimously.

HB 68-Chair recommends that a subcommittee be appointed, being agreed upon, the chair appointed Rep. Robbins as Chairman of said committee, with Reps. Turner and O'Connell serving as committee members.

HB 54 - was later held for further testimony.

MEETING ADJOURNED.


JOE BRAND, Chairman


ANITA C. SIERKE, Secretary