

MINUTES OF THE MEETING  
SENATE STATE ADMINISTRATION COMMITTEE  
March 5, 1977

The meeting was called to order at 8:00 a.m. by Senator Towe, Chairman, in Room 410 of the Capitol Building. Committee members present were Senators Towe, Story, Brown, Rasmussen, Roskie, Jergeson, Blaylock and Devine.

The following bills were discussed: HB 68  
HB 90  
HB 96  
HB 150  
HB 175

HOUSE BILL 175

Representative Driscoll, District 91, sponsor of the bill, stated the bill is the result of the interim audit committee study and serves to clarify when monies from agencies should be deposited with and by the State Treasurer. Some problems have arisen when daily deposits have not been made. The guidelines in the bill state deposits should be made daily if \$100 in cash or \$500 in credits and securities are received. If such amounts are not accumulated in one day, they will be accumulated until those levels are reached and then deposited.

PROponents

John Northey, staff attorney for the Legislative Auditor, stated he had nothing to add to Representative Driscoll's remarks and he fully supported the bill.

There were no further proponents and no opponents to the bill. Following brief questions by the committee, the hearing on House Bill 175 was closed.

HOUSE BILL 150

Representative Dorothy Bradley, District 77, sponsor of the bill, stated the purpose of the bill is to include historians in the membership of the Board of the Historical Society. Of the fifteen members of the Board, five shall be professionals with one of the five being an archeologist. Historically, the Board has served three functions: library, archives and museums. The Board meets four times a year with executive meetings six times a year. At present the only qualification for Board membership is an interest in that area. Since 1960 only one historian has served on the Board. She stated there are many historians and archeologists in the state who would like to serve on the Board.

There being no opponents or proponents to the bill the hearing was opened to questions from the committee.

Senator Towe asked Ms. Bradley if she felt it was clear the professionals should be history related people or if an amendment should be made to that effect.

Ms. Bradley said she felt the intent was clear but it would be fine if it was further clarified by the committee.

There being no further questions the hearing on House Bill 150 was closed.

#### HOUSE BILL 96

Representative Harrison Fagg, District 63, sponsor of the bill, stated the purpose of the is to let the Department of Revenue utilize collection agencies to collect out of state debts with preference to be given to Montana collection agencies.

#### PROPOSERS

Laury Lewis, Deputy Director, Department of Revenue, stated it is hard to collect out of state debts and many other states have initiated this same procedure. At present, there is no problem collecting in state debts due to the resources available to the Department such as tax records. Out of state information is hard to obtain and collection agencies have the records and means to more effectively pursue them. State agencies other than the Department of Revenue now have approximately \$300,000 in out of state bad debts turned over to the Department for collection. The Department at present has \$450,000 of its own to collect for a total of \$750,000 outstanding out of state debts. The \$750,000 falls into several categories such as National Student Defense Loans, taxes, Worker and Unemployment Compensation payments and highway property destruction bills.

There were no further proponents and no opponents to the bill. The hearing was opened to questions by the committee.

Senator Towe questioned the language changes throughout the bill from "assign" to "transfer".

Mr. Lewis stated it was felt it was a further clarification of the language.

There being no further questions, the hearing was closed on House Bill 96.

#### HOUSE BILL 90

Representative Hershel Robbins, District 46, sponsor of the bill, stated the bill is a recodification bill and one of six studied during the last two years by the interim fire committee. The changes are basically of a language clarification nature.

#### PROPOSERS

Mike McGrath, representing the Attorney General's office, stated he was supporting the bill on behalf of the Department of Justice. He stated SB 401, which deals with building codes and puts the Fire Marshall into the Department of Administration but leaves the arson

investigation unit in the Department of Justice is currently in the House. They would like to amend HB 90 to make it conform to that same procedure by striking subsection d on page 4,

There being no further proponents and no opponents to the bill the hearing was opened to questions by the committee.

Senator Towe asked who is responsible for investigating fires.

Mr. McGrath stated the initial investigation is done at the local level and if anything suspicious is discovered, the report is made to the arson investigation unit and the Chief of that unit would assume the responsibility.

Senator Towe asked if that would mean the Fire Marshall wouldn't have the responsibility.

Mr. McGrath responded that is right.

Mr. Penttila, Fire Marshall, stated the Fire Marshall can assist in the investigation of a fire at the request of a local fire chief. If anything of a criminal nature is suspected, the local law enforcement officers are alerted and the Fire Marshall refers the case to the arson investigation unit.

Mr. McGrath stated the Department of Justice wants the same teeth put into arson investigation. There is a need to establish a good rapport with local law enforcement agencies as there are virtually no convictions on arson at this point.

Mr. Penttila, reviewed the functions of his division, stating adequate staffing is a constant problem. The personnel has to be well versed in many areas and functions and even attend the law enforcement academy in Bozeman because they do have arrest powers.

There being no further discussion, the hearing was closed.

#### HOUSE BILL 68

Representative Verner Bertelsen, District 47, sponsor of the bill. stated the bill is the product of an interim study committee and provides fire protection for timber land areas. It removes the multiclass distinctions in fire protection assessments and establishes a minimum fee. It further increases the authority of counties in fireprotection and removes obsolete sections of the law. The forestry people in the state support the bill as a method of protecting our natural resources.

PROPOSERS

Mr. Richard Sandman, Chief of the Fire Control Bureau of the Division of Forestry, Department of Natural Resources and Conservation, presented statistical information to the committee re the bill. There are 12 and 1/2 million acres of classified forest land in the state with 8 and 1/2 million acres of that under fire protection. Fire protection under Class 1 ( more ground area covered by the crown of the tree) is assessed up to a maximum of 16¢ an acre and under Class 2 up to 5¢ and acre.

Private landowners bear the cost of fire protection on a 1/3 to 2/3 ratio with the state in areas which are in forest fire districts. Over half a million dollars has been raised through those assessments this year. He presented series of charts illustrating the difficulties of assessing with the large amount of subdividing going on in the state. This makes assessment procedures extremely complicated.

The bill would combine the Class 1 and 2 assessments at a minimum rate of \$6 per owner. The rate on fighting a fire between a Class 1 and 2 area is the same. The bill establishes the county as the level of assistance to the landowner with the provision that the county can come to the state and request a mutual aid cooperative program wherein the state would help the county organize, train, and give support in forest fire fighting. 1.3 million acres are presently covered by mutual aid agreements.

Henry Lohr, Montana State Firemen's Association and Chief of the County Fire District in Yellowstone County read a letter in support of the bill from Yellowstone Boy's Ranch (attached). Mr. Lohr stated he also supported the bill and urged its passage.

Robert Holding, Executive Director of the Montana Wood Products Association, state his support of the bill.

Gerald Neils, representing the Montana Logging Association, stated he supports the bill.

John Delano, representing the Montana Railroad Association, stated his support of the bill.

Don Nettleton, representing Burlington Northern Timber and Land Department, stated Burlington Northern worked with the interim committee on the bill in hopes of obtaining better forest fire protection for the state. He suggested a brief amendment on page 7, line 24 following "district" by inserting "within areas protected by a county," which would clarify the county involvement.

There being no further proponents Senator Towe asked for opponents to the bill.

OPPONENTS

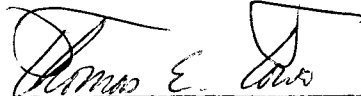
John Patterson, a farmer from Yellowstone County, stated he feels he shouldn't be assessed for land with scrub pine trees that saw mills won't even use. He felt volunteer fire fighters are not totally reliable. He felt he couldn't justify a 16¢ an acre assessment if they go into a fire district because he produces grass.

Bill Gerhardt, Yellowstone County, stated he agreed with the Patterson testimony. He was concerned that classification can carry over into grass land and eventually cover the whole state and the 16¢ an acre tax is prohibitive.

CLOSING

Mr. Sandman closed for Representative Bertelsen by saying he had met with ranchers and he understands their concerns. He stated grass land won't be assessed as the classification only covers grass land 1/2 mile out from the timber. He further noted the landowners have to vote on creating a fire district and when subdivisions are created they would create their own volunteer fire departments and if structures predominate in the subdivision, they will be eliminated from the forest fire district.

There being no further business, the meeting adjourned to reconvene March 7, at 11:00 a.m. in Room 410.

  
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Thomas E. Towe, Chairman

ROLL CALL

STATE APPROPRIATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 4/11/77

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.	X		
Senator Bob Brown	X		
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	X		
Senator John W. Devine	X		
Senator Greg Jergeson	X		
Senator Chet Blaylock	X		

SENATE State Administration COMMITTEE

BILL                     

VISITORS' REGISTER

DATE 3/2/11

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
MIKE McGRATH	ATTY GEN	HB 90	X	
Bill Pentt, Lt	State Fire Marshal	<del>HB 8490</del>	X	
John Deissel	DIST 91	HB 75	X	
Gerald Neils	Mount Logging	HB 68	✓	
HARRISON FARR	DIST - 63	HB 96	X	
Ernesting Bradley	77	HB 150	X	
Donald M. Nettleton	Burlington Northern-Timberland	HB 68	X	w/amed.
	Mont... Broadwater Co Rural Fire Dist	HB 7		
Henry E. Lohr	Mont. State Vol. Fire Marshall	HB 68	X	
Joseph W. Gasler	MONTANA DIVISION OF FORESTRY	HB 68	X	
Blair J. Spack	MT Dept of Natural Resources	HB 68	X	
Jonathan W. Murphy	Dept. Nat. Res & Cons - Div Forestry	HB 68	X	
JESSE DONEY	DNR&C	HB 68	X	
Robert S. ...	Mont Dept. Nat Resources	HB 68	X	
Bob Heiding	Montana Wood Products Assoc	HB 68	X	

HOUSE MEMBERS

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FRANCIS BARDANOUVE

OSCAR KVALEN

PAT MC KITTRICK

ROSE WEBER  
EXECUTIVE DIRECTOR

ELEANOR ECK  
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY  
DIRECTOR, LEGISLATIVE SERVICES



# Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

SENATE MEMBERS

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GLEN DRAKE

FRANK HAZEL BAKER

DIANA DOWLING  
DIRECTOR, LEGAL SERVICES,  
CODE COMMISSIONER

ROBERT PERSON  
DIRECTOR, RESEARCH

January 20, 1977

TO: Representative Dorothy Bradley

FROM: Richard Hargesheimer, Researcher *Richard*

RE: Montana Historical Society, Board of Trustees,  
Membership and Duties

This memorandum concerns your request for information about the Montana Historical Society and its Board of Trustees. Specifically, you asked about the composition of the current Board of Trustees and their duties and responsibilities. I have outlined this information below under three headings-- Statutes, Duties and Responsibilities of Board of Trustees, and Biographical Sketches of current Board of Trustees.

To answer one of your questions quickly--the secretary to the director told me that, except for Professor Merrill Burlingame of MSU, no professional historian has served on the board since at least 1960.

Statutes

The duties, functions, etc., of the Montana Historical Society are delineated in Title 44, Chapter 5.

The Historical Society is the oldest, legislatively-created Montana agency. The territorial legislature created the Society in 1865. The Society is the primary repository of Montana's cultural and historical record.

The Society's functions are coordinated under three main divisions: Library, Archives and Manuscripts, and Museums and Galleries. A pamphlet produced by the Society and entitled "What Could Happen to Montana's Priceless Heritage" sets out in detail the Society's needs and goals. A copy of this pamphlet is attached for your perusal.



Representative Dorothy Bradley  
January 20, 1977  
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The Board of Trustees is established in Section 44-519; appointments are provided for in 44-519; and qualifications are defined in 44-520. One of the qualifications is that a trustee have a special interest and concern for the goals (i.e., collection, preservation, and dissemination of Montana's historical and cultural record) of the Society. There is no requirement, as you know, that a trustee be versed or learned in Montana history, culture, or archaeology.

The powers and duties of the trustees are outlined in 44-523, a copy of which is attached. In short, the trustees are a policy-making body. Their powers include the hiring and firing of the director of the Society and the establishing of policies to collect, preserve, and disseminate Montana's heritage.

#### Duties and Responsibilities of the Trustees

The statutory duties and powers of the trustees are noted above and in the attachments to this memorandum.

The Board meets 4 times a year, and the Board's executive committee (5 of the 15 members) meets an additional 4-6 times a year. The Board does indeed set policy at these meetings regarding the collection, preservation, and dissemination of Montana's historical and cultural record (i.e., exhibits to be held, collections to be loaned, etc.). The Board also sets personnel policies for the Society staff.

#### Biographical Sketches of Current Trustees as of July, 1976

Henry S. Ruegamer, President	Hardin, Montana; Hardin auto dealer
Manson H. Bailey, Jr.	Glasgow; with BLM
Mrs. Charles A. Bovey	Great Falls; owner of Virginia City
Anthony Dalich	Great Falls; retired director of a senior citizen group; ex-sport referee
Newell Gough, Jr.	Helena; attorney
Mrs. Louis W. Hagener	Havre; curator at H. Earl Clack Museum
Mrs. A. C. MacDonald	Glendive; retired librarian

Representative Dorothy Bradley  
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E. E. MacGilvra

Butte; formerly with MPC  
Public Relations

Doris Marsolais Marshall

Helena; retired drama teacher

Joe Medicine Crow

Crow Agency; Bureau of  
Reclamation

Eric J. Myhre

Great Falls; advertising

Joseph E. Reber

Helena; construction and  
development; attorney

Randall Swanberg

Great Falls; Attorney

James H. Vanderbeck

Virginia City; grocery and  
drug store owner

Wilbur P. Werner

Cut Bank; attorney

NAME: Rep. Harold Roblin DATE: 3-8-76

ADDRESS: Bannock Dist 46

PHONE:

REPRESENTING WHOM? ~~Self~~ Self

APPEARING ON WHICH PROPOSAL: HB-90

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Thomas L. Bartel DATE: May 5 1971

ADDRESS: 820 Hetchel Helena or Ovando Mont

PHONE: 142-3042 -

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: H.B. 68

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Sponsor

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard Sandman DATE: 3/5/77

ADDRESS: 2705 Spurgin Road, Missoula

PHONE: 728-4300

REPRESENTING WHOM? Mont. Division of Forestry

APPEARING ON WHICH PROPOSAL: H.B. #68

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Changes of Class I & II and addition of  
minimum fee will help reduce administrative  
work and increase protection available to landowners.  
The change in the County program will  
reduce barriers to County-State cooperation



**RICHARD SANDMAN**  
Chief  
Fire Control Bureau  
Division of Forestry

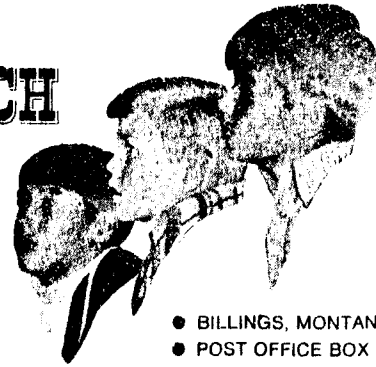
Department of Natural Resources  
and Conservation

Area Code 406  
Telephone 728-4300

2705 Spurgin Road  
Missoula, Montana 59801

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# Yellowstone BOYS RANCH



- BILLINGS, MONTANA 59103
- POST OFFICE BOX 2549
- AREA CODE 406—252-9301
- SOCIAL SERVICE DEPT. 656-3001

February 17, 1977

## BOARD OF DIRECTORS

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Petroleum Geologist  
Billings, Montana 59101

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Streeter Bros  
Billings, Montana 59101

Second Vice President  
WILLIAM A. SERRETTE  
Asst. Supt. of Schools  
Billings, Montana 59101

Secretary-Treasurer  
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Plaza Appliance  
Billings, Montana 59101

AUSTIN DARKENWALD  
Petroleum Marketing  
Billings, Montana 59101

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Attorney  
Cody, Wyoming 82414

JOHN H. LEUTHOLD  
Rancher  
Molt, Montana 59057

JOHN C. MULLER  
Agricultural Consultant  
Meridan, Wyoming 82801

PAUL N. ODEGAARD  
Evergreen Drug  
Billings, Montana 59102

JOHN H. UHLEIN  
Rancher  
Ennis, Montana 59729

Executive Director  
FRANKLIN ROBBIE

Ranch Administrator  
BLAN DALLUGE ACSW

Mr. Henry Lohr  
Box 51  
Townsend, Montana 59644

Dear Mr. Lohr:

It is my understanding that H.B. 68 has been introduced to the Montana Legislature, passed the House of Representatives and is awaiting a Senate hearing. I would like this letter to represent our support of this bill and be read for such purpose at the Senate hearing.

We feel protection of our valuable natural resources is everyone's business. The financial responsibilities to care for our forest and wildlands should be shared by all citizens equally. Therefore, we feel H.B. 68 would be a more appropriate way of funding the Cooperative Fire Control Program, rather than the present procedure of assessing a landowner .02¢ per forested acre.

The Cooperative Fire Control Program has been a valuable asset to our own fire department as well as all the volunteer departments of Yellowstone County. We have received much valuable assistance through equipment, training, professional counsel, etc. Lets continue to upgrade our rural fire protection programs in Montana and assure the conservation of our natural resources.

Thank you.

Respectfully Submitted:

Daniel W. Hansen  
Director of Ranch Operations

Secretary/Yellowstone County  
Rural Fire Council

DWH/ga