

1/17/09

Fire Alliance Conference Call

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**SB 57 – Concerns with wording in Section 12, 2, a & b**

**NEW SECTION. Section 12. Governance -- powers and duties.**

(1) A special district must be administered and operated either by the governing body or by a separate elected or appointed board as determined by the governing body.

(2) (a) If the special district is governed by a separate board, the board must be established in accordance with Title 7, chapter 1, part 2, and specific powers and duties granted to the board and those specifically withheld must be stated.

(b) The governing body may grant additional powers to the board. This includes the authorization to use privately contracted legal counsel or the attorney of the governing body. If privately contracted counsel is used, notice must be provided to the attorney of the governing body.

(c) The governing body has ultimate authority under this subsection (2).

Issues:

- would cause chaos
- fire districts are separate for taxation and representation
- elected officials should be autonomous
- not sure it is even legal
- unable to contract with own attorney

Solution for us to support: Remove Rural Fire Districts from line 14 of the Bill.

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO SPECIAL DISTRICTS; ALLOWING FOR THE CREATION OF SPECIAL DISTRICTS BY LOCAL GOVERNMENTS WORKING INDIVIDUALLY AND JOINTLY; ESTABLISHING UNIFORM STANDARDS FOR THE CREATION, ADMINISTRATION, AND OPERATION OF SPECIAL DISTRICTS BY GOVERNING BODIES AND ELECTED OR APPOINTED BOARDS; ELIMINATING SPECIFIC PROVISIONS RELATING TO CEMETERY DISTRICTS, COUNTY MUSEUMS, FACILITIES FOR THE ARTS, MUSEUM DISTRICTS, COUNTY PARK DISTRICTS, COUNTY FAIR COMMISSIONS, COUNTY FAIR DISTRICTS, MULTICOUNTY FAIR DISTRICTS, HOSPITAL DISTRICTS, JOINT SOLID WASTE MANAGEMENT DISTRICTS, LOCAL IMPROVEMENT DISTRICTS, MOSQUITO CONTROL DISTRICTS, MULTIJURISDICTIONAL SERVICE DISTRICTS, PARK MAINTENANCE DISTRICTS, ROAD IMPROVEMENT DISTRICTS, RODENT CONTROL DISTRICTS, ~~RURAL FIRE DISTRICTS~~, SOLID WASTE MANAGEMENT DISTRICTS, AND TELEVISION DISTRICTS; AMENDING SECTIONS

Position: Oppose unless Rural Fire Districts is struck from the bill.

**SB58 – a companion to SB57. Exclude fire in Section 1, and 2.**

NEW SECTION. Section 1. Definitions. As used in [section 4], the following definitions apply:

(1) "Governing body" means a legislative body of a town, city, county, or consolidated city-county government or any combination of these acting jointly.

(2) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, hospital districts, sewer districts, transportation districts, and districts created for any public or governmental purpose not specifically prohibited by law. The term also includes any district or other entity formed to perform a single or limited number of functions by interlocal agreement.

Issue:

- fire districts are separate for taxation and representation
- elected officials should be autonomous

Solution:

(2) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, ~~fire districts~~, hospital districts, sewer districts, transportation districts, and districts created for any public or governmental purpose not specifically prohibited by law. The term also includes any district or other entity formed to perform a single or limited number of functions by interlocal agreement.

Position: Oppose unless fire districts is struck from Section 1 (2).

**SB98 – tabled. Trying to find out who would pay for. Talked about reducing to 7 days.**

Position: Watch

**SB105 – a lot of confusion about funding. Fiscal note came in at 5M. This is a dead bill with the 5M fiscal note.**

Position: Watch

**SB106 – fiscal not much smaller. Committee had concerns with who would pay the up front \$4,000. Didn't like idea of combining tax credit with paying for the license plate.**

Issues:

- 1,200 hours
- generating more work for volunteers to track 1,200 hours
- determining when volunteer working and when not working
- if you change the 1,200 to less, lose the insight to legislators as to commitment of volunteers
- if it is too complicated for the committee, it is more than likely not going any where
- concern for plate that the revenue going to the Chief's will be hurt

Solution:

NEW SECTION. **Section 3. Credit for volunteer firefighter license plates.** (1) There is a credit for taxes otherwise imposed under 15-30-103 for purchase of:

(a) the special license plates authorized in [section 2]; or

(b) generic specialty license plates for volunteer firefighters as provided for in 61-3-472 through 61-3-481.

(2) The tax credit is available to a volunteer firefighter, as defined in [section 1], who has served at least 120 hours in the previous calendar year in the individual's capacity as a volunteer firefighter.

(3) (a) The maximum tax credit is \$120 for an individual who volunteered ~~1,200~~ 30 hours or more in the previous calendar year.

(b) For an individual who volunteered fewer than ~~1,200~~ 30 hours in the previous calendar year, the amount of the tax credit is calculated by dividing the number of hours volunteered by 1,200 and multiplying the resulting quotient by \$120.

(4) A maximum of 200 training hours may be counted each calendar year toward the time requirements established in this section.

(5) An individual claiming the credit allowed under this section shall submit:

(a) proof of purchase of the special license plates or the generic specialty license plates; and

(b) verification from a governmental volunteer fire agency that, during the previous calendar year, the individual:

(i) was active as a volunteer firefighter; and

(ii) provided at least 120 hours of service in the previous year in the individual's capacity as a volunteer firefighter.

(6) If the amount of the credit exceeds the taxpayer's liability under this chapter, the amount of the excess must be refunded to the taxpayer. The credit may be claimed even if the taxpayer has no tax liability

Language added that the Volunteer Fire Fighters Association will pay for \$4,000 for the plate.

Position: Support with the hours being lowered to 30 hours of training that we are already tracking and reporting. Volunteers pay for the plate.

*(Leonard...what would the need for (4) be if this were changed? If there isn't a need shouldn't we also strike?)*

**SB 75 – insurance companies were against in the hearing.**

Issues:

-could open up litigation

Position: Watch

**SB110 – MACO opposed, concerns about transient population in the pool.** Currently there isn't a definition of volunteer.

Issues:

-agree with intent, not sure this is the right pool

-this is a local issue

-if not supported still won't have volunteer defined for the ones that elect to go with MACO insurance if this were law.

-it would be elective

Position: Watch

**HB32 – tabled at request of sponsor.**

Position: Watch

**HB33 – Budget director spoke at hearing telling the committee things are much worse for the state that had previously thought.**

Issues:

-includes overtime with base pay

Position: Watch

**SB34 –came from Suppression Committee. Gives authority to County to do fuel reduction work.**

Issues:

-violation of US Constitution

-looking at private ground

-should be aimed at only federal ground

-when you start talking about private ground and government, there are issues

Position: Watch

**HB104 – active duty paid drawn from appropriate funds. Move to secondary list.**

Position: Watch and move to secondary list.

**SB107 – fire school’s bill – unfunded mandate.**

Issues:

-unfunded

-don't want what we have available to be reduced

-would have to train for profit folks without funding

-currently life saving

-fire school would have to train private contractors so they could make money

Position: Oppose

**SB161 – Fire Marshal is going to testify in favor.**

Position: Support

**SB129-easement issue**

Position: Watch

### **SB143-aimed towards condo owners in forest**

Issues:

- minimum charge for protection
- supposed to be aimed at condominium owners
- DNRC is ground, keep it ground
- taxed twice
- west side of state not happy with process
- need clarification from DNRC
- DNRC should be talking to us a head of time, need explanation why we should want this bill

Position: Watch pending

### **HB256 – Bruce Charles, DeBorgia, West**

Issues:

- we can charge for other things such as Hazmat, we don't have to.
- this permits, doesn't say you have to

Position: Support

### **HB259**

Position: Support

### **SB74 – revised fire chief duties**

Issues:

- opposed without the NFPA standard
- Senator Story thinks could have negative impact on smaller districts,
- need to explain the trustees determine

Position: Support with current amendments

### **SB144 – tabled in committee**

Position: Watch

### **HB32 – tabled**

Position: Watch

### **SB99 – committee members had lots of questions**

Issues

- too many unanswered questions
- 352 volunteer fire fighters would be affected, believe numbers low
- power and control

Solution:

(2) An agency shall grant to a state employee who is a volunteer firefighter for a governmental fire agency organized under Title 7, chapter 33, up to 15 days in a calendar year of a ~~paid~~ leave of absence for the employee to respond to fire incidents if:

Position: Support if language changed in (2) to remove the word paid.

**LC1682 and 1683 keep on list, see where they go when they roll out.**

**LC1061 – includes wording to add non bonded indebtedness. Some thing we should support.**

**KEEP IN MIND IF SB57 GOES AND BECOMES LAW MOST THING WILL BE REPEALED. LOT OF BILLS, MAKE SURE BILLS AFFECTED GET BACK IN.**

**LC2019 – unnecessary, political, everything being asked for is available – just make the request, creates big government, unfunded, not good to make a law for one districts. Position will be to oppose.**

**LC2106 – sponsor being pushed pretty hard by commissioners. She supports fire. Ted Washburn not going to change his mind. This is specifically aimed at a few departments in one county. Again not good to make laws for one county. MACO is staying away from this. Position is to watch SUPER close.**

**LC1200 – brought forward for fire fighter union. Presumptive disease contracted from work. Position will be to support.**

**LC2003 – watch, nothing in writing.**

**LC0118 – creates a village type of government with only 15% of the registered voters. Lots of problems with this from emergency response and police**

-creates multiple jurisdictions

Fire

Police/sheriff

EMS

-contract issues

Being pushed by West Missoula folks and Big Fork area. This would hurt. Position is to Watch Closely.

**LC2033 – don't have anything on**

**LC1327 - don't have anything on**

**LC1666 – doesn't exclude radio use**

**LC1564 – for those using Coop trucks, good for those using.** Should have a position of supporting.

**SB111 – clarifies DNRC's authority on wildland fires**

Issues:

- conflicting opinions, some say DNRC is the one responsible for protection
- State throws responsibility to counties
- federal land vs. public land
- federal and state land or all public land?

If changed to just federal lands could have a position of supporting.

**HB49 – move to primary**

Issues:

- includes all electronic devices
- does not take into account use of radios
- language to include all emergency personnel

23<sup>rd</sup> is the hearing on Butch's bill. 11:00-1:00. 7:00 a.m. Perkins meeting. Ken will get some Helena folks to meeting and hearing as he has doctor appointment.

Next meeting Jorgenson's 13:00, January 20, 2009.