



MONTANA FOREST OWNERS ASSOCIATION

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March 20, 2017

Honorable Kerry White, Chairman  
Natural Resources Committee  
House of Representatives  
Montana State Capitol  
1301 E 6<sup>th</sup> Ave  
Helena MT 59601

Regarding: Opposition to House Bill 587

Dear Representative White:

The Montana Forest Owners Association opposes House Bill 587 in its present form. The most alarming point in the bill is it changes the liability laws from strict liability to liability only if there is negligence. If liability is reduced, we need assurance that safeguards are in the law to conduct the burning process. This bill does not provide these safeguards.

The following items should be addressed in HB587.

- Section 3 says "...the department may establish certified prescribed burn practices by rule." These practices should be in place before passing a bill that reduces liability.
- Section 1 (4) says the term "prescribed fire burn boss" means a person who completes training...required by the department..." There is no definition of the required training. How can one judge whether someone with unknown training is qualified to conduct prescribed fire burns?
- Section 1 (5) says the term "prescribed fire manager" means a person who completes training...required by the department..." There is no definition of the required training.
- In Section 1 (3) the term "prescribed burn plan" is not defined. Where is the burn plan requirement?
- Per DNRC Fire and Aviation Bureau Chief Mike DeGrosky, There is no method for non-State individuals to be "certified." How does someone get "certified?"
- The bill has no notice requirement to adjacent landowners. Shouldn't adjacent landowners have a say in the matter? Adjacent landowners may wish to remove adjacent fuels, remove valuable equipment, stay away during the burn, and voice their concerns.

- The DNRC wishes to offer an amendment that it have the sole discretion to review (or not to review) the submitted prescribed burn plans, based on budget and staffing. What if the DNRC chooses not to review a submitted plan?
- The DNRC wishes to offer an amendment that the DNRC be granted the same reduced liability as offered to private individuals, i.e. both State and non-State personnel would be granted reduced liability by this unknown procedure. This is not fair to landowners!

Whereas prescribed burns can be beneficial, HB587 needs further study and refinement before passage.

Sincerely,



Mike Christianson  
President