

1 HOUSE BILL NO. 648

2 INTRODUCED BY C. KAUFMANN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROPERTY TAX ON STRUCTURES THAT ARE
5 WITHIN A WILDLAND-URBAN INTERFACE AREA AND AT RISK FROM WILDLAND FIRE DESTRUCTION;
6 PROVIDING THAT THE PROCEEDS OF THE TAX BE USED FOR WILDLAND FIRE SUPPRESSION AND
7 COUNTY LAND USE PLANNING; ESTABLISHING THE CRITERIA FOR DESIGNATING CERTAIN
8 IMPROVEMENTS AS SUBJECT TO THE PROPERTY TAX; PROVIDING FOR THE ADMINISTRATION OF THE
9 TAX PROCEEDS; INCREASING THE FOREST FIRE DISTRICT FEE AND PER-ACRE ASSESSMENT;
10 AMENDING SECTION 76-13-201, MCA; AND PROVIDING AN APPLICABILITY DATE."

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13

14 NEW SECTION. **Section 1. Fire suppression tax on structures at risk for wildland fire.** (1) (a)
15 Except as provided in subsection (1)(b), there is a property tax of 10 mills levied on the taxable value of
16 all structures that are at risk from wildland fire destruction for the support of wildland fire suppression and
17 county land use planning. The funds raised from the levy must be used for county land use planning and
18 to fund the wildland fire suppression account as provided in [section 2].

19 (b) The tax imposed by subsection (1)(a) may not be levied if the balance in the wildland fire
20 suppression account exceeds \$50 million dollars. The director of the department of natural resources and
21 conservation must certify to the director of revenue that the account exceeds the \$50 million balance by
22 February 1 of each year in which the account balance exceeds \$50 million.

23 (2) (a) Structures that are at risk from wildland fire destruction and subject to the property tax
24 imposed in subsection (1) are improvements within a wildland-urban interface area.

25 (b) The following improvements are considered to be within a wildland-urban interface area:

26 (i) all improvements on nonqualifying agricultural land classified under 15-6-133(1)(c);

27 (ii) all improvements on forest lands classified under 15-6-143;

28 (iii) all improvements on class four land under 15-6-134 that are located at least 4.5 miles from
29 the limits of an incorporated city or town and that are not located on land eligible for valuation as
30 agricultural land under 15-7-202(1);

1 (iv) all improvements subject to taxation under subsection (2)(b)(iii) that are located within an area
2 closer than 4.5 miles to an incorporated city or town in an area that has been designated by the board of
3 county commissioners, with the approval of the department of revenue, as a wildland-urban interface area.

4 (c) The board of county commissioners, with the approval of the department of revenue, may
5 designate specific areas as not being wildland-urban interface areas that would otherwise be considered
6 wildland-urban interface areas under subsection (2)(b)(iii). These areas may be places such as:

7 (i) unincorporated densely populated areas; and

8 (ii) places where the definition of wildland-urban interface area would not apply to a group of
9 improvements and the designation would eliminate the requirement for multiple appeals from the
10 designation.

11 (d) If the owner of an improvement that is considered to be within a wildland-urban interface area
12 under subsection (2)(b) disagrees with the designation, the taxpayer may appeal to the county tax appeal
13 board on whether the structure is located within a wildland-urban interface area in the same manner as
14 a taxpayer may appeal valuations. The property owner may also appeal from the county tax appeal board
15 to the state tax appeal board, whose findings are final except as to the right of review in the proper courts.

16 (3) For the purposes of this section, "wildland-urban interface area" means the area where human
17 developments meet or intermix with wildland fuels and result in the following conditions:

18 (a) interface conditions where there is a clear line of demarcation between the structures and the
19 wildland fuels along roads or back fences;

20 (b) intermix conditions where structures are scattered throughout a wildland area and there is no
21 clear line of demarcation;

22 (c) occluded conditions where structures abut an island of wildland fuels and there is a clear line
23 of demarcation; or

24 (d) rural conditions where scattered small clusters of structures are exposed to wildland fuels.

25

26 **NEW SECTION. Section 2. Allocation of wildland fire property tax proceeds.** (1) The proceeds
27 from the property tax imposed in [section 1] must be deposited in the wildland fire suppression account
28 established in subsection (2).

29 (2) There is a wildland fire suppression account in the state special revenue fund to the credit of
30 the department of natural resources and conservation. The earnings and interest of the account must be

1 retained in the account until the balance reaches \$20 million.

2 (3) If the balance in the account exceeds or is expected to exceed \$20 million at the beginning
3 of a fiscal year, the earnings and interest may be appropriated to the department of natural resources and
4 conservation for use as follows:

5 (a) 15% to be distributed by the department to the counties for planning purposes based on the
6 ratio of the collection in each county of the tax imposed by [section 1]; and

7 (b) 85% to be used for wildland fire suppression, including initial attack.

8

9 **Section 3.** Section 76-13-201, MCA, is amended to read:

10 **"76-13-201. Duty of owner to protect against fire.** (1) An owner of forest land classified as such
11 by the department shall protect against the starting or existence and suppress the spread of fire on that
12 land. This protection and suppression must be in conformity with reasonable rules and standards for
13 adequate fire protection adopted by the department.

14 (2) If the owner does not provide for the protection and suppression, the department may provide
15 it at a cost to the landowner of not more than ~~\$30~~ \$40 for each landowner in the protection district and
16 of not more than an additional ~~20~~ 25 cents per acre per year for each acre in excess of 20 acres owned
17 by each landowner in each protection district, as necessary to yield the amount of money provided for in
18 76-13-207. The owner of the land shall pay to the county treasurer of the county in which the land is
19 situated the charge for the same approved by the department in accordance with this part and part 1.

20 (3) No other charges may be assessed those landowners participating except in cases of proven
21 negligence on the part of the landowner or the landowner's agent."

22

23 NEW SECTION. **Section 4. Applicability.** [This act] applies to tax years beginning after December
24 31, 2001.

25

- END -