

## 1 SENATE BILL NO. 112

2 INTRODUCED BY J. KEANE

3 BY REQUEST OF THE FIRE SUPPRESSION COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE PROVISION THAT LANDOWNER  
6 ASSESSMENTS FOR FIRE PROTECTION RECEIVED BY THE DEPARTMENT OF NATURAL RESOURCES  
7 AND CONSERVATION MAY NOT EXCEED ONE-THIRD OF THE AMOUNT APPROPRIATED BY THE  
8 LEGISLATURE FOR FIRE PROTECTION COSTS; AMENDING SECTIONS 76-13-207 AND 76-13-213, MCA;  
9 AND PROVIDING AN EFFECTIVE DATE."

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

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13 **Section 1.** Section 76-13-207, MCA, is amended to read:

14 **"76-13-207. Determination and collection of costs of fire protection.** (1) The department shall  
15 prepare an annual operation assessment plan in which fire protection costs are determined. The department shall  
16 request the legislature to appropriate the state's portion of the cost. After the appropriation is made by the  
17 legislature, the department shall cause an assessment to be made on the owners of land, as specified in  
18 76-13-105 and 76-13-201, ~~sufficient to bring the total amount received from the landowners to no greater than~~  
19 ~~one-third of the amount specified in the appropriation.~~

20 (2) On or before the first Tuesday in September of each year, the department shall certify in writing to  
21 the department of revenue the names of these owners of lands in each county, together with a description of their  
22 lands and a statement of the amount found to be due and owing by each of the owners to the department for  
23 wildland fire protection.

24 (3) Upon receiving the certificate from the department showing the amount due, the department of  
25 revenue shall extend the amounts upon the county tax rolls covering the lands, and the sums become obligations  
26 of the owner, to be paid and collected in the same manner and at the same time and subject to the same  
27 penalties as general state and county taxes upon the same property are collected."

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29 **Section 2.** Section 76-13-213, MCA, is amended to read:30 **"76-13-213. Formula to set landowner assessments for fire protection.** (1) The department shall,

1 pursuant to 76-13-207, set the annual fire assessment fee due from landowners pursuant to Title 76, chapter 13,  
 2 parts 1 and 2. ~~The total of all statewide landowner assessments may be no greater than one-third of the amount~~  
 3 ~~appropriated by the legislature to fund the protection costs.~~

4 (2) The individual assessments must be established using the following criteria:

5 (a) Each person or corporation who is responsible for fire protection pursuant to 76-13-108 and  
 6 76-13-201 and for whom the department provides fire protection must be assessed a per capita landowner fee.  
 7 The total per capita landowner assessments statewide from persons or corporations who own 20 acres or less  
 8 of land for which the department provides protection must be as close as administratively possible to 60% of the  
 9 total private landowner assessments.

10 (b) A person or corporation who owns more than 20 acres of land for which the department provides  
 11 protection shall, in addition to the fee assessed pursuant to subsection (2)(a), pay a per-acre fee for each whole  
 12 acre that the person owns in excess of 20 acres. The total of all assessments statewide from persons or  
 13 corporations that own more than 20 acres must be as close as administratively possible to 40% of the total private  
 14 landowner assessments.

15 ~~(3) (a) Except as provided in subsection (3)(b), the per capita and per-acre fees must remain in effect~~  
 16 ~~for subsequent years.~~

17 ~~— (b) The department shall reset the per capita and per-acre fees whenever it is necessary to obtain up~~  
 18 ~~to one-third of the amount appropriated by the legislature.~~

19 ~~— (c)(3) Whenever the department resets the fees, pursuant to subsection (3)(b), it shall do so in~~  
 20 ~~accordance with 76-13-201(2)."~~

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22 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2009.

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