



AN ACT REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO DESIGNATE THE WILDLAND-URBAN INTERFACE PARCELS IN EACH COUNTY USING CERTAIN CRITERIA; REQUIRING THE DEPARTMENT TO CREATE AND MAINTAIN MAPS OF THE WILDLAND-URBAN INTERFACE PARCELS; REQUIRING THE USE OF A COMMUNITY WILDFIRE PROTECTION PLAN IF ONE HAS BEEN ADOPTED; PROHIBITING ADDITIONAL OR INCREASED FEES IF LOCATION IN A WILDLAND-URBAN INTERFACE IS THE ONLY CRITERIA; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

**Section 1. Designation of wildland-urban interface parcels.** (1) Prior to January 1, 2012, and subject to the provisions of this section, the department shall identify the parcels of property in the state that are considered to be wildland-urban interface parcels, delineate those parcels on maps, and ensure that the maps and information on the maps is available to the public, local governing bodies, and governmental fire agencies organized under Title 7, chapter 33.

(2) (a) Except as provided in subsection (2)(b), the department shall identify a county's wildland-urban interface parcels based on the wildland-urban interface designation developed as part of the county's completion of a community wildfire protection plan under 16 U.S.C. 6501, et seq., the Healthy Forests Restoration Act of 2003.

(b) If a community wildfire protection plan has not been adopted, the department shall:

(i) provide notice to the county governing body that the department intends to designate the wildland-urban interface within the county's jurisdictional boundary;

(ii) allow up to 18 months for the county to complete and adopt a community wildfire protection plan if a county had begun the process of developing a plan prior to receiving the notice from the department under subsection (2)(b)(i);

(iii) review and consider the analysis of the potential for fire and wildland fire required in 76-1-601(3)(j)

of the county's growth policy, if a growth policy has been adopted;

(iv) consult with the county governing body and governmental fire agencies organized under Title 7, chapter 33, regarding appropriate parcels to designate as wildland-urban interface parcels; and

(v) clearly identify and make available to the county governing body and governmental fire agencies the criteria the department intends to use in designating parcels.

(3) Location of a property within the wildland-urban interface designated under this section may not be the sole reason for assessing additional fire protection fees, impact fees, or other fees against the property.

(4) The department shall report its progress in designating wildland-urban interface parcels to an appropriate interim legislative committee assigned to study wildland fire suppression or to the environmental quality council.

(5) The department shall review each county's wildland-urban interface designation every 5 years, make changes as necessary, and maintain accurate maps and other identifying information.

**Section 2. Appropriation.** There is appropriated to the department of natural resources and conservation \$147,327 in fiscal year 2010 and \$140,527 in fiscal year 2011 from federal special revenue for the purpose of [this act] only. If the department does not receive federal funds for this purpose, the department shall proceed with the requirements of [this act] to the extent possible using existing resources.

**Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 1].

**Section 4. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
SB 0131, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

SENATE BILL NO. 131

INTRODUCED BY C. WILLIAMS

BY REQUEST OF THE FIRE SUPPRESSION COMMITTEE

AN ACT REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO DESIGNATE THE WILDLAND-URBAN INTERFACE PARCELS IN EACH COUNTY USING CERTAIN CRITERIA; REQUIRING THE DEPARTMENT TO CREATE AND MAINTAIN MAPS OF THE WILDLAND-URBAN INTERFACE PARCELS; REQUIRING THE USE OF A COMMUNITY WILDFIRE PROTECTION PLAN IF ONE HAS BEEN ADOPTED; PROHIBITING ADDITIONAL OR INCREASED FEES IF LOCATION IN A WILDLAND-URBAN INTERFACE IS THE ONLY CRITERIA; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.