

1 SENATE BILL NO. 39

2 INTRODUCED BY C. VINCENT

3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF
6 NATURAL RESOURCES AND CONSERVATION SUBMIT A PROGRESS REPORT FOR THE DESIGNATION
7 OF WILDLAND-URBAN INTERFACE PARCELS TO AN INTERIM LEGISLATIVE COMMITTEE; AMENDING
8 SECTION 76-13-145, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **Section 1.** Section 76-13-145, MCA, is amended to read:

13 **"76-13-145. Designation of wildland-urban interface parcels.** (1) ~~Prior to January 1, 2012, and~~
14 ~~subject~~ Subject to the provisions of this section, the department shall identify the parcels of property in the state
15 that are considered to be wildland-urban interface parcels, delineate those parcels on maps, and ensure that the
16 maps and information on the maps are available to the public, local governing bodies, and governmental fire
17 agencies organized under Title 7, chapter 33.

18 (2) (a) Except as provided in subsection (2)(b), the department shall identify a county's wildland-urban
19 interface parcels based on the wildland-urban interface designation developed as part of the county's completion
20 of a community wildfire protection plan under 16 U.S.C. 6501, et seq., the Healthy Forests Restoration Act of
21 2003.

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

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

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

28 (iii) review and consider the analysis of the potential for fire and wildland fire in the county's growth policy,
29 as required in 76-1-601(3)(j) if a growth policy has been adopted;

30 (iv) consult with the county governing body and governmental fire agencies organized under Title 7,

1 chapter 33, regarding appropriate parcels to designate as wildland-urban interface parcels; and
2 (v) clearly identify and make available to the county governing body and governmental fire agencies the
3 criteria the department intends to use in designating parcels.

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

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

9 (5)(4) The department shall review each county's wildland-urban interface designation every 5 years,
10 make changes as necessary, and maintain accurate maps and other identifying information."

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12 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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