

HOUSE BILL NO. 405  
INTRODUCED BY C. KAUFMANN

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

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

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

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

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

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

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

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

(iii) all improvements on class four property under 15-6-134 that are located at least 4.5 miles from the

limits of an incorporated city or town and that are not located on land eligible for valuation as agricultural land under 15-7-202(1);

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

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

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

(3) For the purposes of [sections 1 and 2], "wildland-urban interface area" means the area where human development meets or intermixes with wildland fuels and results in the following conditions:

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

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

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

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

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

(2) There is a wildland fire suppression account in the state special revenue fund to the credit of the department of natural resources and conservation. The earnings and interest of the account must be retained in the account until the balance reaches \$20 million.

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

use as follows:

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

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

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

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

(2) If the owner does not provide for the protection and suppression, the department may provide it at a cost to the landowner of not more than ~~\$30~~ \$40 for each landowner in the protection district and of not more than an additional ~~20~~ 25 cents per acre per year for each acre in excess of 20 acres owned by each landowner in each protection district, as necessary to yield the amount of money provided for in 76-13-207. The owner of the land shall pay the charge approved by the department in accordance with part 1 and this part to the department of revenue. Payments to the department of revenue are due on or before November 30 of each year.

(3) Other charges may not be assessed to a participating landowner except in cases of proven negligence on the part of the landowner or the landowner's agent."

NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 1 and 2].

NEW SECTION. **Section 5. Applicability.** [This act] applies to tax years beginning after December 31, 2003.

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