

HOUSE BILL NO. 61

INTRODUCED BY R. ERICKSON

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FIRE PROTECTION ASSESSMENT AMOUNTS ALLOWED TO BE IMPOSED ON OWNERS OF CLASSIFIED FOREST LAND; ESTABLISHING A FORMULA FOR DETERMINING ASSESSMENTS FOR FIRE PROTECTION; AMENDING SECTIONS 76-13-201 AND 76-13-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. 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 \$45 FOR EACH LANDOWNER IN THE PROTECTION DISTRICT AND OF NOT MORE THAN AN ADDITIONAL 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 ~~of not more than \$30 for each landowner in the protection district and of not more than an additional 20 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~~ equal to the amount of money 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.~~ THE CHARGES ESTABLISHED PURSUANT TO THIS SECTION MUST BE BILLED TO THE OWNER PURSUANT TO 76-13-207. 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."

Section 2. Section 76-13-207, MCA, is amended to read:

"76-13-207. Determination and collection of costs of fire protection. (1) The department shall

prepare an annual operation assessment plan in which fire protection costs are determined. The department shall request the legislature to appropriate the state's portion of the cost. After the appropriation is made by the legislature, the department shall cause an assessment to be made on the owners of classified forest land, as specified in 76-13-201, sufficient to bring the total amount received from the landowners to ~~no greater than an amount equal to~~ NO GREATER THAN one-third of the amount specified in the appropriation.

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

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

NEW SECTION. SECTION 3. FORMULA TO SET LANDOWNER ASSESSMENTS FOR FIRE PROTECTION. (1) THE DEPARTMENT SHALL, PURSUANT TO 76-13-207, SET THE ANNUAL FIRE ASSESSMENT FEE DUE FROM LANDOWNERS PURSUANT TO TITLE 76, CHAPTER 13, PARTS 1 AND 2. THE TOTAL OF ALL STATEWIDE LANDOWNER ASSESSMENTS MAY BE NO GREATER THAN ONE-THIRD OF THE AMOUNT APPROPRIATED BY THE LEGISLATURE TO FUND THE PROTECTION COSTS.

(2) THE INDIVIDUAL ASSESSMENTS MUST BE ESTABLISHED USING THE FOLLOWING CRITERIA:

(A) EACH PERSON OR CORPORATION WHO IS RESPONSIBLE FOR FIRE PROTECTION PURSUANT TO 76-13-108 AND 76-13-201 AND FOR WHOM THE DEPARTMENT PROVIDES FIRE PROTECTION MUST BE ASSESSED A PER CAPITA LANDOWNER FEE. THE TOTAL PER CAPITA LANDOWNER ASSESSMENTS STATEWIDE FROM PERSONS OR CORPORATIONS WHO OWN 20 ACRES OR LESS OF LAND FOR WHICH THE DEPARTMENT PROVIDES PROTECTION MUST BE AS CLOSE AS ADMINISTRATIVELY POSSIBLE TO 60% OF THE TOTAL PRIVATE LANDOWNER ASSESSMENTS.

(B) A PERSON OR CORPORATION WHO OWNS MORE THAN 20 ACRES OF LAND FOR WHICH THE DEPARTMENT PROVIDES PROTECTION SHALL, IN ADDITION TO THE FEE ASSESSED PURSUANT TO SUBSECTION (2)(A), PAY A PER-ACRE FEE FOR EACH WHOLE ACRE THAT THE PERSON OWNS IN EXCESS OF 20 ACRES. THE TOTAL OF ALL ASSESSMENTS STATEWIDE FROM PERSONS OR CORPORATIONS WHO OWN MORE THAN 20 ACRES MUST BE AS CLOSE AS ADMINISTRATIVELY POSSIBLE TO 40% OF THE TOTAL PRIVATE LANDOWNER ASSESSMENTS.

(3) (A) EXCEPT AS PROVIDED IN SUBSECTION (3)(B), THE PER CAPITA AND PER-ACRE FEES MUST REMAIN IN EFFECT FOR SUBSEQUENT YEARS.

(B) THE DEPARTMENT SHALL RESET THE PER CAPITA AND PER-ACRE FEES WHENEVER IT IS NECESSARY TO OBTAIN UP TO ONE-THIRD OF THE AMOUNT APPROPRIATED BY THE LEGISLATURE.

(C) WHENEVER THE DEPARTMENT RESETS THE FEES PURSUANT TO SUBSECTION (3)(B) OF THIS SECTION, IT SHALL DO SO IN ACCORDANCE WITH 76-13-201(2) AND THE FEES MUST REMAIN IN EFFECT UNTIL THE CONDITION IN SUBSECTION (2)(A) OF THIS SECTION IS MET.

NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION. [SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 76, CHAPTER 13, PART 2, AND THE PROVISIONS OF TITLE 76, CHAPTER 13, PART 2, APPLY TO [SECTION 3].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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