

HOUSE BILL NO. 31

INTRODUCED BY W. CURDY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FIRE ASSESSMENT FEES;
6 ASSESSING FEES TO LAND OUTSIDE OF MUNICIPALITIES FOR WILDLAND FIRE PROTECTION
7 PREPAREDNESS AND AVIATION EQUIPMENT REPLACEMENT; PROVIDING DEFINITIONS; AMENDING
8 SECTIONS 7-33-2202, 7-33-2210, 76-13-102, 76-13-103, 76-13-104, 76-13-105, 76-13-108, 76-13-110,
9 76-13-111, 76-13-115, 76-13-117, 76-13-121, 76-13-126, 76-13-140, 76-13-201, 76-13-202, 76-13-206,
10 76-13-207, 76-13-209, 76-13-210, AND 76-13-212, MCA; REPEALING SECTIONS 76-13-107, 76-13-203,
11 76-13-204, 76-13-205, 76-13-208, AND 76-13-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
12 AND AN APPLICABILITY DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 **Section 1.** Section 7-33-2202, MCA, is amended to read:

17 **"7-33-2202. Functions of county governing body.** (1) The county governing body, with respect to rural
18 fire control, shall carry out the specific authorities and duties imposed in this section.

19 (2) The governing body shall:

20 (a) provide for the organization of volunteer rural fire control crews; and

21 (b) provide for the formation of county volunteer fire companies.

22 (3) The governing body shall appoint a county rural fire chief and as many district rural fire chiefs, subject
23 to the direction and supervision of the county rural fire chief, that it considers necessary.

24 (4) Pursuant to 76-13-105~~(3)~~, the county governing body shall, within the limitations of 7-33-2205,
25 7-33-2206, 7-33-2208, and 7-33-2209, either:

26 (a) directly protect from fire land and wildland in the county that is not in a ~~wildland fire protection district, as~~
27 ~~provided in 76-13-204, under the protection of a recognized agency~~ or under the protection of a municipality, state
28 agency, or federal agency; or

29 (b) enter into an agreement for wildland fire protection with a recognized agency, as that term is defined
30 in 76-13-102.

- 1 (5) The county governing body may enter into mutual aid agreements for itself and for county volunteer
 2 fire companies with:
- 3 (a) other fire districts;
 - 4 (b) unincorporated municipalities;
 - 5 (c) incorporated municipalities;
 - 6 (d) state agencies;
 - 7 (e) private fire prevention agencies;
 - 8 (f) federal agencies;
 - 9 (g) fire service areas;
 - 10 (h) governing bodies of other political subdivisions in Montana; or
 - 11 (i) governing bodies of fire protection services, emergency medical care providers, and local government
 12 subdivisions of any other state or the United States pursuant to Title 10, chapter 3, part 11.
- 13 (6) If the county governing body has not concluded a mutual aid agreement, the county governing body,
 14 a representative of the county governing body, or an incident commander may request assistance pursuant to
 15 10-3-209."
 16

17 **Section 2.** Section 7-33-2210, MCA, is amended to read:

18 **"7-33-2210. State to be reimbursed for wildland fire suppression activities in noncooperating**
 19 **counties.** A county that has not entered into a cooperative or other written agreement with the state for wildland
 20 fire protection shall reimburse the state for costs incurred by the state in connection with state fire suppression
 21 activities resulting from a wildland fire emergency on ~~land~~ wildland in that county that is not ~~in a wildland fire~~
 22 ~~protection district, as provided in 76-13-204, or protected through an agreement with a recognized agency, as~~
 23 provided in 7-33-2202(4)(b)."
 24

25 **Section 3.** Section 76-13-102, MCA, is amended to read:

26 **"76-13-102. Definitions.** Unless the context requires otherwise, in part 2 and this part, the following
 27 definitions apply:

- 28 (1) (a) "Commercial structure" means property that is used or owned by a person. The term does not
 29 include a single-family residence.
- 30 (b) A commercial structure includes industrial property as defined in 15-1-101.

1 (c) The following types of property are not commercial structures:

2 (i) agricultural land as defined in 15-7-202;

3 (ii) timberland and forest land;

4 (iii) single-family residences and ancillary improvements and improvements necessary to the function
5 of a bona fide farm, ranch, or stock operation;

6 (iv) mobile homes and manufactured homes used exclusively as a residence except when held by a
7 distributor or dealer as stock in trade; and

8 (v) all property described in 15-6-135.

9 ~~(1)~~(2) "Conservation" means the protection and wise use of forest, range, water, and soil resources in
10 keeping with the common welfare of the people of this state.

11 ~~(2)~~(3) "Department" means the department of natural resources and conservation provided for in Title
12 2, chapter 15, part 33.

13 (4) "Dwelling" means a commercial structure or a single-family residence.

14 ~~(3)~~(5) "Forest land" means ~~land that has enough timber, standing or down, slash, or brush to constitute~~
15 ~~in the judgment of the department a fire menace to life or property. Grassland and agricultural areas are included~~
16 ~~when those areas are intermingled with or contiguous to and no further than one-half mile from areas of forest~~
17 ~~land~~ has the meaning provided in 15-44-102.

18 ~~(4)~~(6) (a) "Forest practices" means the harvesting of trees, road construction or reconstruction
19 associated with harvesting and accessing trees, site preparation for regeneration of a timber stand, reforestation,
20 and the management of logging slash.

21 (b) The term does not include activities for the purpose of:

22 (i) the operation of a nursery or Christmas tree farm;

23 (ii) the harvest of Christmas trees;

24 (iii) the harvest of firewood; or

25 (iv) the cutting of trees for personal use by an owner or operator.

26 (7) "Improvements" has the meaning provided in 15-1-101.

27 ~~(5)~~(8) "Operator" means a person responsible for conducting forest practices. An operator may be the
28 owner, the owner's agent, or a person who, through contractual agreement with the landowner, is obligated to
29 or entitled to conduct forest practices or to carry out a timber sale.

30 ~~(6)~~(9) "Owner" means the person, firm, association, or corporation having the actual, beneficial

1 ownership of forest land or timber other than an easement, right-of-way, or mineral reservation a parcel.

2 (10) (a) "Parcel" means a tract or plot of land distinguishable by ownership boundaries.

3 (b) The term does not include state trust land as defined in 77-1-101.

4 ~~(7)~~(11) "Person" means an individual, corporation, partnership, or association of any kind.

5 ~~(8)~~(12) "Recognized agency" means an agency organized for the purpose of providing fire protection and
6 recognized by the department as giving adequate fire protection to lands in accordance with rules adopted by
7 the department.

8 (13) "Single-family residence" means a structure originally constructed or converted for use and
9 occupancy by a single-family unit and whose primary use is currently one of occupancy by a single-family unit.

10 ~~(9)~~(14) "Timber sale" means a series of forest practices designed to access, harvest, and regenerate
11 trees on a defined land area.

12 ~~(10) "Wildfire" means an unplanned, unwanted fire burning uncontrolled on wildland and consuming~~
13 ~~vegetative fuels.~~

14 ~~———(11) "Wildfire season" means the period of each year beginning May 1 and ending September 30,~~
15 ~~inclusive.~~

16 ~~———(12)~~(15) "Wildland" means an area in which development is essentially nonexistent, except for roads,
17 railroads, powerlines, and similar facilities, and in which structures, if any, are widely scattered. land outside the
18 boundaries of an incorporated municipality.

19 ~~(13)~~(16) "Wildland fire" means a fire burning uncontrolled on forest lands an unplanned, unwanted fire
20 burning uncontrolled on wildland and consuming vegetative fuels.

21 ~~(14)~~(17) "Wildland fire protection" means includes but is not limited to the work of prevention, detection,
22 and suppression of wildland fires ~~and includes training required to perform those functions.~~

23 ~~(15) "Wildland fire protection district" means a definite land area, the boundaries of which are fixed and~~
24 ~~in which wildland fire protection is provided through the medium of an agency recognized by the department.~~

25 ~~(16)~~(18) (a) "Wildland fire protection preparedness" means activities in advance of fire occurrence to
26 prepare for wildland fire suppression.

27 (b) The term includes but is not limited to:

28 (i) training and placing personnel, developing fire defense improvements, maintaining cooperative
29 arrangements with other agencies, and planning, procuring, and maintaining equipment; and

30 (ii) replacing and upgrading aviation equipment used in wildland fire suppression.

1 (c) The term does not include wildland fire suppression.

2 (19) "Wildland fire season" means periods of time when the department determines that dangerous
 3 wildland fire conditions exist.

4 (20) "Wildland fire suppression" means all work and activities connected with control and
 5 fire-extinguishing operations, beginning with discovery of a fire and continuing until the fire is completely
 6 extinguished and the work of repairing damage caused by the fire suppression activities is complete.

7 (21) "Wildland-urban interface" means the line, area, or zone where structures and other human
 8 development meet or intermingle with undeveloped wildland or vegetative fuels."

9

10 **Section 4.** Section 76-13-103, MCA, is amended to read:

11 **"76-13-103. Applicability.** Part 2 and this part apply to all state and private lands within this state that
 12 are susceptible to ~~wildfire~~ wildland fire, as determined by the department."

13

14 **Section 5.** Section 76-13-104, MCA, is amended to read:

15 **"76-13-104. Functions of department -- rulemaking.** (1) (a) The department has the duty to ensure
 16 the protection of land under state and private ownership and to suppress ~~wildfires~~ wildland fires on land under
 17 state and private ownership. Fees may not be collected for this purpose except fees provided for in 76-13-201
 18 and 76-13-207.

19 (b) The department may engage in ~~wildfire~~ wildland fire initial attack on all lands if the fire threatens to
 20 move onto state or private land.

21 (2) (a) The department shall adopt rules to protect the natural resources of the state, especially the
 22 natural resources owned by the state, from destruction by fire and for that purpose, in declared emergencies, may
 23 employ personnel and incur other expenses when necessary.

24 (b) The department may adopt and enforce reasonable rules for the purpose of enforcing and
 25 accomplishing the provisions and purposes of part 2 and this part.

26 (3) The duty imposed on the department under this section is not exclusive to the department and does
 27 not absolve private property owners or local governmental fire agencies organized under Title 7, chapter 33, from
 28 any fire protection or suppression responsibilities.

29 (4) The department may give technical and practical advice concerning forest, range, water, and soil
 30 conservation and the establishment and maintenance of woodlots, windbreaks, shelterbelts, and fire protection.

1 (5) The department shall cooperate with all public and other agencies in the development, protection,
2 and conservation of the forest, range, and water resources in this state.

3 (6) The department shall establish and maintain wildland fire control training programs.

4 (7) The department shall appoint firewardens in the number and localities that it considers necessary
5 and shall adopt rules prescribing the qualifications and duties of firewardens that are in addition to those provided
6 in 76-13-116.

7 (8) The department shall adopt rules addressing development within the wildland-urban interface,
8 including but not limited to:

9 (a) best practices for development within the wildland-urban interface; and

10 (b) criteria for providing grant and loan assistance to local government entities to encourage adoption
11 of best practices for development within the wildland-urban interface.

12 (9) (a) The department shall establish a good neighbor policy that would allow the department to enter
13 into a cooperating and coordinating agreement or contract that authorizes the state forester to engage in forest
14 management and education activities to:

15 (i) reduce wildland fire risk and intensity on federal land designated as wildland-urban interface under
16 76-13-145; and

17 (ii) take advantage of federal authority that promotes sustainable forest management.

18 (b) Forest management activities to reduce wildland fire risk and intensity included in the good neighbor
19 policy must include the authority to:

20 (i) treat insect-infested trees;

21 (ii) reduce hazardous fuels; and

22 (iii) conduct any other activities to improve the overall diversity and vigor of forested landscapes.

23 (10) The department has the authority to intervene in litigation or appeals on federal forest management
24 projects that involve reduction of hazardous fuels or other activities to mitigate the risk of wildland fire in the
25 wildland-urban interface.

26 (11) The department shall notify the public when wildland fire season begins and when wildland fire
27 season ends."

28

29 **Section 6.** Section 76-13-105, MCA, is amended to read:

30 **"76-13-105. Protection of lands wildland and improvements from fire. (1) ~~Nonforest lands~~ Wildland**

1 and improvements may be protected by the department when requested by the landowner at rates determined
 2 by the department in those areas where a recognized agency is available directly, indirectly, or through contract.

3 ~~(2) Land classified as forest land under 76-13-107 that is within a wildland fire protection district, as~~
 4 ~~provided in 76-13-204, or that is otherwise under contract for fire protection by a recognized agency must be~~
 5 ~~protected as provided in 76-13-201 and 76-13-207.~~

6 ~~———(3)(2) Private and public land, whether classified as forest land or otherwise, that is not within a wildland~~
 7 ~~fire protection district or wildland that is not under the protection of a recognized agency or a municipality must~~
 8 ~~be protected by a county as provided in 7-33-2202. The county governing body shall either provide direct~~
 9 ~~protection, as provided in 7-33-2202(4), or it shall enter into an agreement for protection with a recognized~~
 10 ~~agency."~~

11

12 **Section 7.** Section 76-13-108, MCA, is amended to read:

13 **"76-13-108. Person responsible for performance of duties.** (1) If the owner does not appear ~~upon~~
 14 ~~in~~ the public records as the holder of the legal title to the land or timber, the owner is nevertheless primarily
 15 responsible for the performance of the acts and duties imposed ~~upon~~ on the owner by part 2 and this part.

16 (2) When the owner of the timber is not the owner of the land, the primary responsibility for the
 17 performance of the acts and duties imposed by part 2 and this part is ~~upon~~ on the owner of the timber.

18 (3) ~~When~~ Except in the case of state trust land, when the state has title to ~~forest lands within an~~
 19 ~~organized forest protection district~~ wildland, it must be considered as an owner and it ~~shall list its lands and pay~~
 20 ~~the assessments to the recognized agencies responsible for lands in organized forest protection districts~~ is
 21 primarily responsible for the performance of the acts and duties imposed on the owner by part 2 and this part."

22

23 **Section 8.** Section 76-13-110, MCA, is amended to read:

24 **"76-13-110. Owner's right to department hearing.** (1) An owner of forest land is entitled to a hearing
 25 before the department, after a request for a hearing, on any subject pertaining to the activities of the department
 26 or any recognized agency as agent of the department affecting the owner's property. A request for a hearing
 27 before the department may not have the effect of suspending the operations of the department or any agent of
 28 the department undertaken pursuant to this chapter, but upon the hearing, the department may terminate those
 29 operations if found unreasonable.

30 (2) A hearing pertaining to ~~costs~~ fees charged against ~~the forest land of an owner~~ of a wildland parcel

1 for wildland fire protection preparedness or aviation equipment replacement, as provided in 76-13-201, must be
 2 requested on or before August 15 each year."

3

4 **Section 9.** Section 76-13-111, MCA, is amended to read:

5 **"76-13-111. Permissible expenditures.** (1) The following funds may be expended as directed by the
 6 department for ~~fire prevention, detection, and suppression~~ wildland fire protection, wildland fire protection
 7 preparedness, and wildland fire suppression and for forest range, water, and soil conservation:

8 (a) ~~all moneys~~ money collected by ~~county treasurers~~ as assessments on ~~forest lands~~ wildland ~~for forest~~
 9 ~~protection~~;

10 (b) ~~moneys~~ money collected for the abatement of public nuisances;

11 (c) all fines collected, except those collected in a justice's court, for violations of part 2 or this part ~~or part~~
 12 ~~2~~;

13 (d) the state's share of the cooperative fire protection funds allocated by the federal government; and

14 (e) any other funds provided for the purposes ~~herein~~ indicated in this subsection (1).

15 (2) All other cooperative funds collected, appropriated, or allocated for the use of the department,
 16 including funds for the removal of slash hazards resulting from logging or other wood operations on state and
 17 private forest lands, those provided for the purpose of helping to maintain the maximum productivity of the forests
 18 of the state, those provided for purposes designed to assist the farmers of the state in the establishment of
 19 windbreaks and woodlots in localities where those forest plantings are helpful, and funds for other cooperative
 20 work, may not be expended except for the specific purposes for which they were collected, appropriated, or
 21 allocated."

22

23 **Section 10.** Section 76-13-115, MCA, is amended to read:

24 **"76-13-115. State fire policy.** The legislature finds and declares that:

25 (1) the safety of the public and of firefighters is paramount in all ~~wildfire~~ wildland fire suppression
 26 activities;

27 (2) it is a priority to minimize property and resource loss resulting from ~~wildfire~~ wildland fire and to
 28 minimize expense to Montana taxpayers, which is generally accomplished through an aggressive and rapid initial
 29 attack effort;

30 (3) interagency cooperation and coordination among local, state, and federal agencies are intended and

- 1 encouraged, including cooperation when restricting activity or closing areas to access becomes necessary;
- 2 (4) fire prevention, hazard reduction, and loss mitigation are fundamental components of this policy;
- 3 (5) all property in Montana has ~~wildfire~~ wildland fire protection from a recognized fire protection entity;
- 4 (6) all private property owners and federal and state public land management agencies have a
- 5 responsibility to manage resources, mitigate fire hazards, and otherwise prevent fires on their property;
- 6 (7) sound forest management activities to reduce fire risk, such as thinning, prescribed burning, and
- 7 insect and disease treatments, improve the overall diversity and vigor of forested landscapes and improve the
- 8 condition of related water, wildlife, recreation, and aesthetic resources;
- 9 (8) development of fire protection guidelines for the wildland-urban interface is critical to improving public
- 10 safety and for reducing risk and loss; and
- 11 (9) catastrophic wildland fire in wildland-urban interface areas resulting from inadequate federal land
- 12 management activities to reduce fire risk has the potential to jeopardize Montanans' inalienable right to a clean
- 13 and healthful environment guaranteed in Article II, section 3, of the Montana constitution."
- 14

15 **Section 11.** Section 76-13-117, MCA, is amended to read:

16 **"76-13-117. (Temporary) State assistance to local governments as consultant for federal land**

17 **management proposals -- rulemaking.** (1) The department of natural resources and conservation, at the

18 request of and in coordination with a local government as defined in 7-11-1002, may serve as a consulting subject

19 matter expert on federal vegetation management projects.

20 (2) The department may provide the assistance to local governments listed in subsection (1) on projects

21 that address forest health or ~~wildfire~~ wildland fire risk.

22 (3) The department may establish a minimal procedure for local governments to request state assistance

23 pursuant to 76-13-118 and this section.

24 (4) The department shall give priority to requests and services pursuant to this section that will:

25 (a) reduce excessive ~~wildfire~~ wildland fire fuels that endanger communities, infrastructure, or municipal

26 watersheds;

27 (b) enhance economic productivity in economically depressed counties; and

28 (c) not exceed available staff time and resources.

29 (5) The department may adopt rules to implement this section. (Terminates June 30, 2020--sec. 6, Ch.

30 425, L. 2015.)"

1

2 **Section 12.** Section 76-13-121, MCA, is amended to read:

3 **"76-13-121. Permit for burning required.** (1) During ~~the wildfire~~ a wildland fire ~~season or an expansion~~
4 ~~of the wildfire season~~, a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire,
5 debris-burning fire, or, except as provided in subsection (2), an open fire without an official written permit to ignite
6 or set the fire from the recognized agency for that protection area.

7 (2) (a) If no restrictions are in place, a permit is not needed for recreational fires measuring less than 48
8 inches in diameter that are surrounded by a nonflammable area or structure and for which a suitable source of
9 extinguishing the fire is available.

10 (b) A recreational fire may not be ignited if special restrictions prohibiting recreational fires have been
11 established by an authority having jurisdiction."

12

13 **Section 13.** Section 76-13-126, MCA, is amended to read:

14 **"76-13-126. Restrictions on mill waste.** (1) Before each ~~wildfire~~ wildland fire season, all persons, firms,
15 or corporations creating or responsible for mill waste within forest areas shall treat, dispose of, remove, or reduce
16 the hazards created so that the accumulation of the waste does not constitute a fire hazard.

17 (2) A sawmill located within or contiguous to forest lands may not accumulate in one pile sawdust in
18 excess of an amount resulting from the sawing of 500,000 feet log scale of sawlogs. However, a larger sawdust
19 pile may be accumulated when there is no reasonable danger of fire from the sawdust pile and a permit for the
20 additional accumulation is granted by the department. If burning is the disposal method elected, each sawdust
21 pile must be prepared for burning by cribbing the base of each pile with slabs and must be burned in accordance
22 with rules adopted by the department."

23

24 **Section 14.** Section 76-13-140, MCA, is amended to read:

25 **"76-13-140. Legal representation for state firefighters.** (1) The department shall pay reasonable
26 attorney fees and costs for outside legal counsel to defend a firefighter employed by the department against a
27 criminal prosecution for a good faith act or omission by the firefighter arising from the firefighter's performance
28 of duties during a ~~wildfire~~ wildland fire. The department may determine whether the firefighter's act or omission
29 was in good faith and arising from the performance of the firefighter's duties during a ~~wildfire~~ wildland fire. The
30 requirement to pay attorney fees and costs does not apply to any postconviction legal proceedings.

1 (2) The department shall adopt rules to implement this section."
2

3 **Section 15.** Section 76-13-201, MCA, is amended to read:

4 **"76-13-201. Costs Fees for protection from fire.** ~~(1) An owner of land classified as forest land that is~~
5 ~~within a wildland fire protection district or that is otherwise under contract for fire protection by a recognized~~
6 ~~agency is subject to the fees for fire protection provided in this section.~~

7 ~~————(2) The department shall provide fire protection to the land described in subsection (1) at a cost to the~~
8 ~~landowner of not more than \$50 for each landowner in the protection district and of not more than an additional~~
9 ~~30 cents per acre per year for each acre in excess of 20 acres owned by each landowner in each protection~~
10 ~~district, as necessary to yield the amount of money provided for in 76-13-207. Assessment, payment, and~~
11 ~~collection of the fire protection costs must be in accordance with 76-13-207. (1) (a) Parcels located wholly or~~
12 ~~partly within wildland are subject to the fees for wildland fire protection preparedness and aviation equipment~~
13 ~~replacement provided for in 76-13-207.~~

14 (b) There is a base fee assessed to each parcel.

15 (c) An additional fee is assessed if there is a dwelling on the parcel.

16 (d) For parcels classified as forest land, there is a forest land fee.

17 (2) A person who owns a share of a residential or commercial condominium unit on a parcel may be
18 assessed only the base fee.

19 (3) Other charges may not be assessed to a ~~participating landowner~~ parcel owner except in cases of
20 proved negligence on the part of the ~~landowner~~ parcel owner or the ~~landowner's~~ parcel owner's agent or in the
21 event of a violation of 50-63-103."
22

23 **Section 16.** Section 76-13-202, MCA, is amended to read:

24 **"76-13-202. Means by which department may provide protection.** The department may provide for
25 ~~wildfire~~ wildland fire protection of any ~~wildlands~~ wildland through the department or by contract or any other
26 feasible means, in cooperation with any federal, state, or other recognized agency."
27

28 **Section 17.** Section 76-13-206, MCA, is amended to read:

29 **"76-13-206. What constitutes compliance with duty to protect against fire.** An owner of ~~land within~~
30 ~~an organized wildland fire protection district~~ wildland while a member of or while participating in a recognized

1 agency for wildland fire protection or within areas protected by a county must be considered to have fully
2 complied with the requirements of 76-13-212."

3

4 **Section 18.** Section 76-13-207, MCA, is amended to read:

5 **"76-13-207. Determination and collection of costs of fees fire protection -- rulemaking.** (1) The
6 department shall prepare an annual operation assessment plan ~~in which to determine wildland~~ fire protection
7 preparedness costs are determined. The department shall request the legislature to appropriate the state's
8 portion of the cost and up to \$1 million annually for aviation equipment replacement. ~~After the appropriation is~~
9 ~~made by the legislature, the department shall cause an assessment to be made on the owners of land, as~~
10 ~~specified in 76-13-105 and 76-13-201, sufficient to bring the total amount received from the landowners to no~~
11 ~~greater than one-third of the amount specified in the appropriation.~~

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

16 (3) Upon receiving the certificate from the department showing the ~~amount due, the department of~~
17 ~~revenue shall extend the amounts upon the county tax rolls covering the lands, and the sums become obligations~~
18 ~~of the owner, to be paid and collected in the same manner and at the same time and subject to the same~~
19 ~~penalties as general state and county taxes upon the same property are collected.~~ appropriation, the department
20 of revenue shall determine the fees necessary to generate:

21 (a) one-third of the wildland fire protection preparedness appropriation or \$6 million, whichever is less;
22 and

23 (b) the amount of the appropriation for the aviation equipment replacement.

24 (4) The fees for each parcel, dwelling, and forested land parcel must be equal. The department of
25 revenue shall divide the total amount pursuant to subsection (3) and divide by the total number of parcels,
26 dwellings, and forested land parcels.

27 (5) The department of revenue shall include in the property tax record the fee or fees for each parcel.
28 Fees are obligations of the owners to be paid and collected in the same manner and at the same time that
29 general state and county taxes on the same property are collected, and they are subject to the same penalties.

30 (6) The department of revenue shall annually adjust fee amounts to ensure that sufficient funds are

1 generated to meet the appropriation amount pursuant to subsection (3).

2 (7) The department of revenue shall adopt rules to implement the calculation of fees and determination
 3 of parcels, dwellings, and forest lands that are subject to the fees."

4

5 **Section 19.** Section 76-13-209, MCA, is amended to read:

6 **"76-13-209. Disposition of assessments.** (1) Money collected by the county treasurer pursuant to
 7 76-13-207 must be remitted to the state for deposit in two accounts in the state special revenue fund. The
 8 wildland fire protection preparedness account and the aviation equipment replacement account are administered
 9 by the forestry division of the department. Funds in the accounts may be used only for purposes pursuant to this
 10 section.

11 (2) Except as provided in subsections (3) and (4), funds in the wildland fire protection preparedness
 12 account must be used for wildland fire protection preparedness. On September 1 of each year, any unspent or
 13 unobligated funds from the prior fiscal year must be transferred to the aviation equipment replacement account.

14 (3) (a) Except as provided in subsection (4), funds in the aviation equipment replacement account must
 15 be used to replace aviation equipment.

16 (b) There must be deposited in the account any interest and income earned on the account.

17 (c) Funds must remain in this account until used for the purposes described in this section unless a
 18 two-thirds vote by members of each house of the legislature appropriates the funds for another purpose.

19 (d) Funds in this account may not be transferred to the general fund.

20 (4) Funds in either account may be used during a biennium for wildland fire suppression provided the
 21 account is reimbursed from another funding source before the end of the fiscal year in which they are used."

22

23 **Section 20.** Section 76-13-210, MCA, is amended to read:

24 **"76-13-210. Payment under protest.** An owner who is required to pay to the county treasurer ~~any sum~~
 25 ~~fees~~ for wildland fire protection preparedness or aviation equipment replacement as required by part 1 or this part
 26 and who contends that the owner is not legally obligated to pay the ~~sum fees~~ or a part of the ~~sum fees~~ shall pay
 27 it ~~the fees~~ to the county treasurer under written protest, stating the reasons for the protest. The payment under
 28 protest and all proceedings subsequent to the payment must conform with the law of this state providing for the
 29 payment of taxes under protest and action to recover the payment. In the hearing and determination of any action
 30 to recover the payment under protest, all questions of the legality and reasonableness of the proceedings of the

1 department may be reviewed and decided."

2

3 **Section 21.** Section 76-13-212, MCA, is amended to read:

4 **"76-13-212. Duty of ~~landowner~~ parcel owner to protect against fire.** ~~(1) An owner of land~~ A parcel
5 owner shall protect against the starting or existence of fire and shall suppress the spread of fire on that ~~land~~
6 parcel. This protection and suppression must be in conformity with reasonable rules and standards for adequate
7 fire protection adopted by the department.

8 ~~(2) (a) The provisions of 76-13-201 apply to an owner of land that is classified as forest land under~~
9 ~~76-13-107 and that is within a wildland fire protection district.~~

10 ~~———— (b) If an owner of land does not provide for protection against the starting or existence of fire and for fire~~
11 ~~suppression and the land does not meet the criteria in subsection (2)(a), the owner may request that the~~
12 ~~department provide protection as provided in 76-13-105."~~

13

14 **NEW SECTION. Section 22. Repealer.** The following sections of the Montana Code Annotated are
15 repealed:

16 76-13-107. Classification of forest lands.

17 76-13-203. Extension of wildfire season.

18 76-13-204. Creation, annexation of land into, and dissolution of wildland fire protection districts.

19 76-13-205. Determination of boundaries of district.

20 76-13-208. Nature of assessments for wildland fire protection.

21 76-13-213. Formula to set landowner assessments for fire protection.

22

23 **NEW SECTION. Section 23. Effective date.** [This act] is effective on passage and approval.

24

25 **NEW SECTION. Section 24. Applicability.** [This act] applies to tax years beginning after December
26 31, 2019.

27

- END -