SENATE BILL NO. 165

INTRODUCED BY HARP BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE SENATE

JANUARY 22, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. FEBRUARY 7, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. FEBRUARY 8, 1991 PRINTING REPORT. FEBRUARY 9, 1991 SECOND READING, DO PASS. FEBRUARY 11, 1991 ENGROSSING REPORT. THIRD READING, PASSED. AYES, 45; NOES, 3. TRANSMITTED TO HOUSE. IN THE HOUSE FEBRUARY 11, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FEBRUARY 12, 1991 FIRST READING. MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. MARCH 16, 1991 SECOND READING, CONCURRED IN. THIRD READING, PASS CONSIDERATION. MARCH 18, 1991 MARCH 23, 1991 THIRD READING, CONCURRED IN. AYES, 84; NOES, 15. RETURNED TO SENATE. IN THE SENATE

MARCH 25, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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- A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM ALLOWABLE FIRE PROTECTION ASSESSMENT FOR FOREST LAND IN A FIRE PROTECTION DISTRICT; AMENDING SECTION 76-13-201, MCA;
- B AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE
- 9 APPLICABILITY DATE."

10 11

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21

- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- 12 Section 1. Section 76-13-201, MCA, is amended to read:
- 13 "76-13-201. Duty of owner to protect against fire. (1)
- 14 An owner of forest land classified as such by the department
- 15 shall protect against the starting or existence and suppress
- 16 the spread of fire on that land. This protection and
- 17 suppression shall be in conformity with reasonable rules and
- -
- 18 standards for adequate fire protection adopted by the board.
- 20 and suppression, the department may provide it at a cost to
- - the landowner of not more than 17 \$30 for each landowner in

(2) If the owner does not provide for the protection

- 22 the protection district and an additional 20 cents per acre
- 23 per year except--that--the-department-shall-make-a-minimum
- 24 assessment-of-up-to-\$14-per-owner-per-year for each acre in
- 25 excess of 20 acres owned by each landowner in each



- protection district, as necessary to yield the amount of
- 2 money provided for in 76-13-207. The owner of the land shall
- 3 pay to the county treasurer of the county in which the land
- 4 is situated the charge for the same approved by the
- 5 department in accordance with this part and part 1.
- 6 (3) No other charges may be assessed those landowners
- 7 participating except in cases of proven negligence on the
- 8 part of the landowner or his agent."
- 9 NEW SECTION. Section 2. Retroactive applicability.
- 10 [This act] applies retroactively, within the meaning of
- 11 1-2-109, to calendar years beginning after December 31,
- 12 1989.
- 13 NEW SECTION. Section 3. Effective date. [This act] is
- 14 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0165, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill increases the maximum allowable fire protection assessment for forest land in a fire protection district to \$30.00 for each landowner plus \$.20 per acre for each acre over 20 acres.

ASSUMPTIONS:

- The legislature will fund the forest fire protection appropriation at 1/3 private landowner assessment and 2/3 general fund and federal funds.
- 2. To finance 1/3 third of the forest fire protection 1993 biennium budget the department will have to set the fees at \$21 or \$22 for each landowner and \$.17 per acre for each acre over 20.
- 3. The fee structure detailed in assumption #2 would reduce the general fund appropriations by \$762,111 in the 1993 biennium to the level recommended in the executive budget.

FISCAL IMPACT:

Department of State Lands, Forestry Division:

		FY 92		FY 93			
		Current Law	Proposed Law	<u>Difference</u>	<u>Current Law</u>	Proposed Law	Difference
Revenues:							
General Fund		3,085,648	2,699,791	(385,857)	3,076,903	2,700,649	(376,254)
Private Landowner (0	2)	1,212,507	<u>1,598,364</u>	<u>385,857</u>	1,222,507	<u> 1,598,761</u> ·	<u>376,254</u>
Total		4,298,155	4,298,155	0	4,299,410	4,299,410	0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The proposed rate structure ceiling will allow budget preparation for legislative consideration without a related change in the law each session.

ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

OHN G. MARP, PRIMARY SPONSOR

DATE

Fiscal Note for <u>SB0165</u>, as introduced

SB 165

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23	20 cents per acre per year except-that-the-department-shall
24	make-a-minimum-assessment-of-up-to-\$14-perownerperyear
25	for each acre in excess of 20 acres owned by each landowner

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