



REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 165  
2 INTRODUCED BY HARP

3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
6 ALLOWABLE FIRE PROTECTION ASSESSMENT FOR FOREST LAND IN A  
7 FIRE PROTECTION DISTRICT; AMENDING SECTION 76-13-201, MCA;  
8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE  
9 APPLICABILITY DATE."  
10

11 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.

19 (2) If the owner does not provide for the protection  
20 and suppression, the department may provide it at a cost to  
21 the landowner of not more than ~~17~~ \$30 for each landowner in  
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

1 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:

1. 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		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Revenues:</u>						
General Fund	3,085,648	2,699,791	(385,857)	3,076,903	2,700,649	(376,254)
Private Landowner (02)	<u>1,212,507</u>	<u>1,598,364</u>	<u>385,857</u>	<u>1,222,507</u>	<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  
 Office of Budget and Program Planning  
 DATE 1-25-91

  
 JOHN G. WARP, PRIMARY SPONSOR  
 DATE 1/28/91  
 Fiscal Note for SB0165, as introduced **SB 165**

APPROVED BY COMM. ON  
NATURAL RESOURCES

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23 20 cents per acre per year except-that-the-department-shall  
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