

1 *House* BILL NO. *74*
 2 INTRODUCED BY *Starguillet Henderson Harper Bryan Bradley*
 3 *Missouri*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO TAX SUBDIVISIONS FOR
 5 FIRE PROTECTION; AND AMENDING SECTION 28-109, R.C.M. 1947."
 6

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

8 Section 1. Section 28-109, R.C.M. 1947, is amended to
 9 read as follows:

10 "28-109. Duty of owner of classified forest land. (1)
 11 An owner of forest land classified as such by the board
 12 shall protect against the starting or existence, and
 13 suppress the spread, of fire on that land during the full
 14 period of each forest fire season. This protection and
 15 suppression shall be in conformity with reasonable rules and
 16 standards for adequate fire protection adopted by the board.
 17 If the owner does not provide for the protection and
 18 suppression, the department may provide it, at a cost to the
 19 landowner of not more than sixteen cents (16¢) per acre per
 20 year for Class I land, and not more than five cents (5¢) per
 21 acre per year for Class II land, and not more than one (1)
 22 mill on the taxable valuation of Class IV land; in the
 23 event thereof, the owner of the land shall pay to the county
 24 treasurer of the county in which the land is situated the
 25 charge for the same approved by the department, in

1 accordance with this chapter. No other charges may be
 2 assessed those landowners participating, except in cases of
 3 proven negligence on the part of the landowner or his agent.

4 (2) The forest land of Montana shall be classified for
 5 protection and assessment purposes as follows:

6 (a) Class I Land: forest land primarily suitable for
 7 production of timber, and forest land primarily suitable for
 8 joint use for timber production and the grazing of livestock
 9 as a permanent or semipermanent joint use or as a temporary
 10 joint use during the interim between logging and
 11 reforestation.

12 (b) Class II Land: lands primarily suitable for grazing
 13 or other agricultural purposes, which are intermingled with
 14 or contiguous to the land described in subsection (a) above.

15 (c) Class III Land: lands primarily suitable for
 16 grazing or other agricultural purposes, including structures
 17 and improvements, which are within the forest fire
 18 protection areas but do not meet the detailed definitions of
 19 lands described in subsection (b) above. These lands may
 20 only be listed for payment when requested by the landowner
 21 at rates determined by the department and shall be submitted
 22 to the county assessor for collection and disposition as
 23 provided in section 28-111.

24 (d) Class IV Land: subdivisions, as defined in
 25 section 69-5002, which are not under contract for fire

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1 protection as prescribed in section 11-2008 and which are
2 not classified as either agricultural or timber land and
3 which are intermingled with or contiguous to land described
4 in subsections (a), (b), or (c) of this section."

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