

HOUSE BILL NO. 3

INTRODUCED BY MARKS

BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 2

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on State Administration.
January 9, 1985	Committee recommend bill do pass. Report adopted.
January 10, 1985	Fiscal Note requested. Bill printed and placed on members' desks.
January 11, 1985	Second reading, do pass. Considered correctly engrossed.
January 12, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 14, 1985	Introduced and referred to Committee on Finance and Claims. Fiscal Note returned.
January 28, 1985	New Fiscal Note requested.
January 31, 1985	New Fiscal Note returned.
February 8, 1985	Committee recommend bill be concurrred in as amended. Report adopted.

February 11, 1985 On motion, a new Standing
Committee report be printed to
reflect the correct short title.
Motion adopted.

 Second reading, pass
 consideration.

February 12, 1985 Second reading, concurred in as
amended.

February 14, 1985 Third reading, concurred in.
Ayes, 49; Noes, 1.

 Returned to House with
 amendments.

IN THE HOUSE

February 15, 1985 Received from Senate.

March 5, 1985 Second reading, amendments not
concurred in.

 On motion, Conference Committee
 requested.

March 9, 1985 Conference Committee appointed.

April 18, 1985 Conference Committee dissolved.

 On motion, Free Conference
 Committee requested and
 appointed.

 Free Conference Committee
 reported.

April 19, 1985 Second reading, Free Conference
Committee report adopted.

 Third reading, Free Conference
 Committee report adopted.

 Free Conference Committee report
 adopted by Senate.

April 20, 1985 Sent to enrolling.

 Reported correctly enrolled.

1 HOUSE BILL NO. 3
 2 INTRODUCED BY MARKS
 3 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 2
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN INCREASE IN
 6 THE MINIMUM CHARGE TO CLASSIFIED FOREST LANDOWNERS FOR FIRE
 7 PROTECTION UP TO \$30; LIMITING ASSESSMENTS TO NO MORE THAN
 8 ONE-THIRD OF THE TOTAL APPROPRIATED BY THE LEGISLATURE FOR
 9 FOREST FIRE PROTECTION; AMENDING SECTIONS 76-13-201 AND
 10 76-13-207, MCA; AND PROVIDING AN EFFECTIVE DATE."
 11

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

13 Section 1. Section 76-13-201, MCA, is amended to read:

14 "76-13-201. Duty of owner to protect against fire. (1)
 15 An owner of forest land classified as such by the department
 16 shall protect against the starting or existence and suppress
 17 the spread of fire on that land. This protection and
 18 suppression shall be in conformity with reasonable rules and
 19 standards for adequate fire protection adopted by the board.

20 (2) If the owner does not provide for the protection
 21 and suppression, the department may provide it at a cost to
 22 the landowner of not more than 16 cents per acre per year
 23 and not less than \$6 except that the department shall make a
 24 minimum assessment of up to \$30 per owner per year in each
 25 protection district as necessary to yield the amount of

1 money provided for in 76-13-207. The owner of the land shall
 2 pay to the county treasurer of the county in which the land
 3 is situated the charge for the same approved by the
 4 department in accordance with this part and part 1.

5 (3) No other charges may be assessed those landowners
 6 participating except in cases of proven negligence on the
 7 part of the landowner or his agent."

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

9 "76-13-207. Determination and collection of costs of
 10 fire protection. (1) The department shall prepare an annual
 11 operation assessment plan in which fire protection costs are
 12 determined. The department shall request the legislature to
 13 appropriate the state's portion of the cost. After the
 14 appropriation is made by the legislature, the department
 15 shall cause an assessment to be made on the owners of
 16 classified forest land, as specified in 76-13-201,
 17 sufficient to bring the total amount received to the amount
 18 specified in the approved plan but the department may cause
 19 no assessment for forest fire protection to be made on
 20 owners of classified forest lands which will yield an amount
 21 greater than one-third of the total appropriated by the
 22 legislature for that purpose in that fiscal year.

23 (2) On or before August 1 preceding each regular
 24 session of the legislature, the department shall inform the
 25 legislative finance committee provided for in 5-12-201 of



1 the assessments it expects to make upon owners of classified
2 forest lands under subsection (1) during each year of the
3 next biennium.

4 ~~(2)~~(3) On or before the second Tuesday in August of
5 each year, the department shall certify in writing to the
6 county assessor of each county the names of these owners of
7 forest lands in his county, together with a description of
8 their lands and a statement of the amount found to be due
9 and owing by each of the owners to the department for forest
10 fire protection.

11 ~~(3)~~(4) Upon receiving the certificate from the
12 department showing the amount due, the county assessor shall
13 extend the amounts upon the county tax rolls covering the
14 lands, and the sums shall become obligations of the owner to
15 be paid and collected in the same manner and at the same
16 time and with like penalties as general state and county
17 taxes upon the same property are collected."

18 NEW SECTION. Section 3. Extension of authority. Any
19 existing authority of the department of state lands to make
20 rules on the subject of the provisions of this act is
21 extended to the provisions of this act.

22 NEW SECTION. Section 4. Effective date. This act is
23 effective July 1, 1985.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN045-85

Form BD-15

In compliance with a written request received 1-10, 19 85, there is hereby submitted a Fiscal Note for House Bill 3 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation: House Bill 3 provides for an increase in the minimum charge to classified landowners for fire protection up to \$30.00

- Assumptions:
- 1) The fire assessment fee will be increased from \$6.00 to \$15.00.
 - 2) The State will provide the additional fire protection and maintain the 1/3 landowner assessment in funding the State's fire program.

Fiscal Impact:

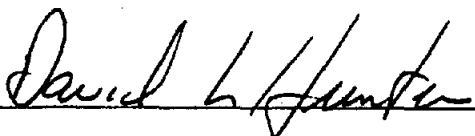
	FY 86		FY 87		Total Biennium	
	under current law	under proposed law	under current law	under proposed law	under current law	under proposed law
Expenditures						
Personal Services	472,105	538,201	487,492	668,347	959,597	1,206,548
Operating Expenses	316,441	350,356	318,650	366,474	635,091	716,830
Capital	41,454	208,022	43,858	67,019	85,312	275,041
Total Expenditures	830,000	1,096,579	850,000	1,101,840	1,680,000	2,198,419
Revenue						
Fed & Private	830,000	1,096,579	850,000	1,101,840	1,680,000	2,198,419
Estimated Increase		266,579		251,840		518,419

Affect on County or other local Revenue or Expenditures: N/A

Long Range Effects of Proposed Legislation:

House Bill 3 will allow the minimum fire assessment fee to increase up to \$30.00 to provide for fire protection as required.

Technical or Mechanical Defects or Conflicts with Existing Legislation: N/A



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 14, 1985

STATE OF MONTANA
FISCAL NOTE

AMENDED
REQUEST NO. FNN 045-85
Form BD-15

In compliance with a written request received January 28, 19 85, there is hereby submitted a Fiscal Note for House Bill 3/amended pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 3 provides for an increase in the minimum charge and the rate per acre to classified land for fire protection.

ASSUMPTIONS:

1. The fire assessment fee will be increased.
2. The State will provide the additional fire protection and maintain the 1/3 landowner assessment in funding the State's fire program.

FISCAL IMPACT:

	<u>FY 86</u>		<u>FY 87</u>		<u>Total Biennium</u>	
	Under Current Law	Under Proposed Law	Under Current Law	Under Proposed Law	Under Current Law	Under Proposed Law
Expenditures	830,000	1,096,579	850,000	1,101,840	1,680,000	2,198,419
Revenues						
Earmarked Spec. Revenue	830,000	1,096,579	850,000	1,101,840	1,680,000	2,198,419
Estimated Increase		266,579		251,840		518,419

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

NONE

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The proposed legislation allows the Department to increase fire assessments to provide for fire protection as required.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 31, 1985

*HB 3
Amended*

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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19 standards for adequate fire protection adopted by the board.

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21 and suppression, the department may provide it at a cost to
22 the landowner of not more than 16 cents per acre per year
23 and not less than \$6 except that the department shall make a
24 minimum assessment of up to \$30 per owner per year in each
25 protection district as necessary to yield the amount of

1 money provided for in 76-13-207. The owner of the land shall
2 pay to the county treasurer of the county in which the land
3 is situated the charge for the same approved by the
4 department in accordance with this part and part 1.

5 (3) No other charges may be assessed those landowners
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8 Section 2. Section 76-13-207, MCA, is amended to read:

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10 fire protection. (1) The department shall prepare an annual
11 operation assessment plan in which fire protection costs are
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13 appropriate the state's portion of the cost. After the
14 appropriation is made by the legislature, the department
15 shall cause an assessment to be made on the owners of
16 classified forest land, as specified in 76-13-201,
17 sufficient to bring the total amount received to the amount
18 specified in the approved plan but the department may cause
19 no assessment for forest fire protection to be made on
20 owners of classified forest lands which will yield an amount
21 greater than one-third of the total appropriated by the
22 legislature for that purpose in that fiscal year.

23 (2) On or before August 1 preceding each regular
24 session of the legislature, the department shall inform the
25 legislative finance committee provided for in 5-12-201 of

1 the assessments it expects to make upon owners of classified
2 forest lands under subsection (1) during each year of the
3 next biennium.

4 ~~(2)~~(3) On or before the second Tuesday in August of
5 each year, the department shall certify in writing to the
6 county assessor of each county the names of these owners of
7 forest lands in his county, together with a description of
8 their lands and a statement of the amount found to be due
9 and owing by each of the owners to the department for forest
10 fire protection.

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12 department showing the amount due, the county assessor shall
13 extend the amounts upon the county tax rolls covering the
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17 taxes upon the same property are collected."

18 NEW SECTION. Section 3. Extension of authority. Any
19 existing authority of the department of state lands to make
20 rules on the subject of the provisions of this act is
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LC 0068/01

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3 next biennium.

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20 rules on the subject of the provisions of this act is
21 extended to the provisions of this act.

22 NEW SECTION. Section 4. Effective date. This act is
23 effective July 1, 1985.

-End-

STANDING COMMITTEE REPORT

SENATE

February 7, 1985

MR. PRESIDENT

We, your committee on Senate Finance and Claims

having had under consideration House Bill No. 3

third reading copy (blue color) (Senator Haffey will carry)

LOCAL RAIL SERVICE ASSISTANCE ACCOUNT FROM COAL SEVERANCE TAX

Respectfully report as follows: That House Bill No. 3 be amended as follows:

1. Title, line 6.
Following: "THE"
Strike: "MINIMUM"

2. Title, line 7.
Following: "PROTECTION"
Strike: "UP TO \$30"

3. Page 1, lines 22 through "76-13-207" on page 2, line 1.
Following: line 21
Strike: lines 22 through "76-13-207" on page 2, line 1.
Insert: "be assessed against the land. The department shall assess the charge per acre per year necessary to yield the amount of money provided for in Section 76-13-207 (1). The minimum assessment payable for such protection and assessment for each owner, per year in each protection district as shown in the most recent property tax assessment rolls of the county, is 75 times the per acre charge"

4. Page 2, lines 23 through page 3, line 3.
Following: line 22
Strike: lines 23 through line 3 on page 3 in its entirety
Renumber: subsections

70
AND AS AMENDED
BE CONCURRED IN

~~RR RASS~~

~~RR NQRASS~~

Senator Pat Regan Chairman.

Report adopted

mp

February 7 1985

MR. PRESIDENT

We, your committee on Senate Finance and Claims

having had under consideration House Bill No. 3

Third reading reading copy (blue)
color

RAISE MINIMUM FOREST FIRE PROTECTION TO \$30

Haffey

Respectfully report as follows: That House Bill No. 3,
be amended as follows:

1. Title, line 6.
Following: "THE"
Strike: "MINIMUM"

2. Title, line 7.
Following: "PROTECTION"
Strike: "UP TO \$30"

3. Page 1, lines 22 through "76-13-207" on page 2, line 1.
Following: line 21
Strike: lines 22 through "76-13-207." on page 2, line 1
Insert: "be assessed against the land. The department shall assess the charge per acre per year necessary to yield the amount of money provided for in Section 76-13-207(1). The minimum assessment payable for such protection and assessment for each owner, per year in each protection district as shown in the most recent property tax assessment rolls of the county, is 75 times the per acre charge"

4. Page 2, lines 23 through page 3, line 3.
Following: line 22
Strike: lines 23 through line 3 on page 3 in its entirety
Re-number: subsections

AND AS AMENDED
BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Senator Pat Regan

Chairman.

corrected

imp

COMMITTEE OF THE WHOLE AMENDMENT

70

SENATE

2-12-85

DATE

3:15 p.m.

TIME


MR. CHAIRMAN: I MOVE TO AMEND _____ HOUSE BILL No. 3

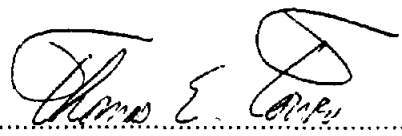
THIRD reading copy (BLUE) as follows:
Color

1. Page 2, line 17.
Following: "received"
Strike: "to"
Insert: "from such landowners to no greater than one-third of"

2. Page 2, lines 18 through 22.
Following: "in the" on line 18
Strike: "approved plan"
Insert: "appropriation."
Strike: remainder of line 18 through line 22

PC3HB3.321


ADOPT
REJECT


.....
TOWE

HOUSE BILL NO. 3

INTRODUCED BY MARKS

BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 2

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN INCREASE IN THE MINIMUM CHARGE TO CLASSIFIED FOREST LANDOWNERS FOR FIRE PROTECTION UP--TO-\$30; LIMITING ASSESSMENTS TO NO MORE THAN ONE-THIRD OF THE TOTAL APPROPRIATED BY THE LEGISLATURE FOR FOREST FIRE PROTECTION; AMENDING SECTIONS 76-13-201 AND 76-13-207, MCA; AND PROVIDING AN 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 forest land classified as such by the department shall protect against the starting or existence and suppress the spread of fire on that land. This protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection adopted by the board.

(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 16 cents per acre per year and not less than \$6 except that the department shall make a minimum assessment of up to \$30 per owner per year in each protection district as necessary to yield the amount of

~~money provided for in 76-13-207.~~ BE ASSESSED AGAINST THE LAND. THE DEPARTMENT SHALL ASSESS THE CHARGE PER ACRE PER YEAR NECESSARY TO YIELD THE AMOUNT OF MONEY PROVIDED FOR IN 76-13-207(1). THE MINIMUM ASSESSMENT PAYABLE FOR SUCH PROTECTION AND ASSESSMENT FOR EACH OWNER, PER YEAR IN EACH PROTECTION DISTRICT AS SHOWN IN THE MOST RECENT PROPERTY TAX ASSESSMENT ROLLS OF THE COUNTY, IS 75 TIMES THE PER-ACRE CHARGE. The owner of the land shall pay to the county treasurer of the county in which the land is situated the charge for the same approved by the department in accordance with this part and part 1.

(3) No other charges may be assessed those landowners participating except in cases of proven negligence on the part of the landowner or his 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 to FROM SUCH LANDOWNERS TO NO GREATER THAN ONE-THIRD OF the amount



1 specified in the approved--plan APPROPRIATION, but--the
 2 ~~department--may--cause--no--assessment--for--forest--fire~~
 3 ~~protection--to--be--made--on--owners--of--classified--forest--lands~~
 4 ~~which--will--yield--an--amount--greater--than--one--third--of--the~~
 5 ~~total--appropriated--by--the--legislature--for--that--purpose--in~~
 6 ~~that--fiscal--year--~~

7 ~~{2}--On--or--before--August--1--preceding--each--regular~~
 8 ~~session--of--the--legislature,--the--department--shall--inform--the~~
 9 ~~legislative--finance--committee--provided--for--in--5-12-201--of~~
 10 ~~the--assessments--it--expects--to--make--upon--owners--of--classified~~
 11 ~~forest--lands--under--subsection--(1)--during--each--year--of--the~~
 12 ~~next--biennium--~~

13 {2}{3}(2) On or before the second Tuesday in August of
 14 each year, the department shall certify in writing to the
 15 county assessor of each county the names of these owners of
 16 forest lands in his county, together with a description of
 17 their lands and a statement of the amount found to be due
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2 NEW SECTION. Section 3. Extension of authority. Any
 3 existing authority of the department of state lands to make
 4 rules on the subject of the provisions of this act is
 5 extended to the provisions of this act.

6 NEW SECTION. Section 4. Effective date. This act is
 7 effective July 1, 1985.

-End-

CONFERENCE COMMITTEE REPORT

Report No. 1

.... April 19, 1985

MR. SPEAKER

We, your Free Conference Committee on

House Bill 3, REFERENCE COPY, salmon

met and considered _____

We recommend as follows:

- 1. Title, line 7.
Following: "~~630~~"
Insert: "UP TO \$14"

- 2. Page 2, lines 1 through 8.
Strike: " BE " on line 1 through " CHARGE. " on line 8
Insert: "the landowner of not more than 17 cents per acre per year except that the department shall make a minimum assessment of up to \$14 per owner per year in each protection district as necessary to yield the amount of money provided for in 76-13-207."

And that this Conference Committee report be adopted.

FOR THE SENATE

Haffey, Chm. *Haffey*

McCallum
McCallum

Boylan
Boylan

FOR THE HOUSE

Marks
Marks

Bardanouve

Keyser
Keyser

Waldron
Waldron

ADOPT REJECT

34A

HOUSE BILL NO. 3

INTRODUCED BY MARKS

BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 2

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 4 sufficient to bring the total amount received to FROM SUCH
 5 LANDOWNERS TO NO GREATER THAN ONE-THIRD OF the amount
 6 specified in the approved--plan APPROPRIATION. but--the
 7 department--may--cause--no--assessment---for---forest---fire
 8 protection--to--be--made--on--owners--of--classified--forest--lands
 9 which--will--yield--an--amount--greater--than--one--third--of--the
 10 total--appropriated--by--the--legislature--for--that--purpose--in
 11 that--fiscal--year--

12 {2}--On--or--before--August--1--preceding--each--regular
 13 session--of--the--legislature,--the--department--shall--inform--the
 14 legislative--finance--committee--provided--for--in--5-12-201--of
 15 the--assessments--it--expects--to--make--upon--owners--of--classified
 16 forest--lands--under--subsection--{1}--during--each--year--of--the
 17 next--biennium--

18 {2}{3}{2} On or before the second Tuesday in August of
 19 each year, the department shall certify in writing to the
 20 county assessor of each county the names of these owners of
 21 forest lands in his county, together with a description of
 22 their lands and a statement of the amount found to be due
 23 and owing by each of the owners to the department for forest
 24 fire protection.

25 {3}{4}{3} Upon receiving the certificate from the

1 department showing the amount due, the county assessor shall
 2 extend the amounts upon the county tax rolls covering the
 3 lands, and the sums shall become obligations of the owner to
 4 be paid and collected in the same manner and at the same
 5 time and with like penalties as general state and county
 6 taxes upon the same property are collected."

7 NEW SECTION. Section 3. Extension of authority. Any
 8 existing authority of the department of state lands to make
 9 rules on the subject of the provisions of this act is
 10 extended to the provisions of this act.

11 NEW SECTION. Section 4. Effective date. This act is
 12 effective July 1, 1985.

-End-