

HOUSE BILL NO. 130

INTRODUCED BY L. JONES, W. GALT, J. SECKINGER, S. ROSENZWEIG, E. TILLEMANN, D. BEDEY, M. CUFFE, B. GILLESPIE, S. GIST, C. SPRUNGER, G. LAMMERS, S. FITZPATRICK, B. LER, G. OBLANDER, J. FITZPATRICK, S. MORIGEAU, M. THANE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATE FIRE POLICY REGARDING THE DUTIES OF A STATE OR LOCAL FIRE PROTECTION ENTITY; AUTHORIZING THE STATE TO BILL A FEDERAL FIRE PROTECTION AGENCY FOR STATE OR COUNTY COSTS INCURRED IN FIRE SUPPRESSION; AMENDING SECTION 76-13-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 76-13-115, MCA, is amended to read:

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

- (1) the safety of the public and of firefighters is paramount in all wildfire suppression activities;
- (2) it is a priority to minimize property and resource loss resulting from wildfire and to minimize expense to Montana taxpayers, which is generally accomplished through an aggressive and rapid initial attack effort;
- (3) interagency cooperation and coordination among local, state, and federal agencies are intended and encouraged, including cooperation when restricting activity or closing areas to access becomes necessary;
- (4) fire prevention, hazard reduction, and loss mitigation are fundamental components of this policy;
- (5) all property in Montana has wildfire protection from a recognized fire protection entity;
- (6) the department has a duty to ~~suppress wildland fires engage in wildfire suppression activities~~ in the state regardless of land ownership, ~~including fires in which a if the department determines that the federal fire suppression response is not consistent with 76-13-104 and that occur~~ wildfire suppression activities within 5 miles of department or county wildland fire protection ~~are not consistent with 76-13-104~~. The department may,

1 at its sole discretion, bill the responsible recognized federal protection agency for costs incurred in suppression  
2 when appropriate.

3 ~~(6)~~(7) all private property owners and federal and state public land management agencies have a  
4 responsibility to manage resources, mitigate fire hazards, and otherwise prevent fires on their property;

5 ~~(7)~~(8) sound forest management activities to reduce fire risk, such as thinning, prescribed burning,  
6 and insect and disease treatments, improve the overall diversity and vigor of forested landscapes and improve  
7 the condition of related water, wildlife, recreation, and aesthetic resources;

8 ~~(8)~~(9) development of fire protection guidelines for the wildland-urban interface is critical to improving  
9 public safety and for reducing risk and loss; and

10 ~~(9)~~(10) catastrophic wildland fire in wildland-urban interface areas resulting from inadequate federal  
11 land management activities to reduce fire risk has the potential to jeopardize Montanans' inalienable right to a  
12 clean and healthful environment guaranteed in Article II, section 3, of the Montana constitution."  
13

14 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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