

## SENATE BILL NO. 340

INTRODUCED BY C. VINCENT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING COUNTY ENFORCEMENT RELATED TO A PERSON,  
5 ENTITY, OR REPRESENTATIVE OF A PERSON OR ENTITY THAT HAS ENTERED INTO A FIRE HAZARD  
6 REDUCTION AGREEMENT; AMENDING SECTION 7-33-2205, MCA; AND PROVIDING AN IMMEDIATE  
7 EFFECTIVE DATE."

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

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11 **Section 1.** Section 7-33-2205, MCA, is amended to read:

12 **"7-33-2205. Establishment of fire season -- permit requirements -- reimbursement of costs. (1)**

13 (a) The SUBJECT TO THE PROVISIONS OF TITLE 76, CHAPTER 13, PART 1, THE county governing body may in its  
14 discretion establish ~~fire~~ CONTROLLED BURNING seasons annually, during which, SUBJECT TO 76-13-121, a person  
15 may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire within  
16 the county protection area on any residential or commercial property, forest, range, or croplands subject to the  
17 provisions of this part without having obtained an official written permit or permission to ignite or set a fire from  
18 the recognized protection agency for that protection area.

19 (b) If a person, entity, or representative of a person or entity has entered into a fire hazard reduction  
20 agreement pursuant to Title 76, chapter 13, part 4, and is complying with that agreement and the person, entity,  
21 or representative of that person or entity has obtained a written permit or permission to ignite or set a fire from  
22 the recognized protection agency for that protection area, then that person, entity, or representative of that person  
23 or entity is not in violation of this section, OPEN BURNING MAY BE CONDUCTED, SUBJECT TO 76-13-121, BETWEEN  
24 OCTOBER 1 AND MAY 1 APRIL 30 WITHOUT OBTAINING A WRITTEN PERMIT OR PERMISSION TO SET A FIRE. THE PERSON,  
25 ENTITY, OR REPRESENTATIVE OF A PERSON OR ENTITY SHALL:

26 (I) OBTAIN AIR QUALITY AND VENTILATION FORECASTS BEFORE IGNITING OR SETTING THE FIRE; AND

27 (II) NOTIFY THE COUNTY OF THE LOCATION OF THE BURN AREA.

28 (2) A permit or permission is not needed for recreational fires measuring less than 48 inches in diameter  
29 that are surrounded by a nonflammable structure and for which a suitable source of extinguishing the fire is  
30 available.

1           (3) A person who purposely ignites a fire in violation of this section shall reimburse the county governing  
2 body or recognized protection agency for costs incurred for any fire suppression activities resulting from the illegal  
3 fire, as provided in 50-63-103."

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

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