

## HOUSE BILL NO. 451

INTRODUCED BY GALT, EHLI, FLYNN, LENZ, R. BRODEHL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING FIREWARDENS; ALLOWING FOR  
5 APPOINTMENT OF A COUNTY FIREWARDEN; ESTABLISHING A COUNTY FIREWARDEN'S DUTIES;  
6 REMOVING COUNTY CONFIRMATION OF FIREWARDENS APPOINTED BY THE DEPARTMENT OF  
7 NATURAL RESOURCES AND CONSERVATION; AND AMENDING SECTION 76-13-104, MCA."

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

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11 **NEW SECTION. Section 1. County firewarden authorized -- duties.** (1) A county governing body may  
12 appoint a county firewarden.

13 (2) A county firewarden appointed under this section shall demonstrate knowledge in local, state, and  
14 federal wildland fire policy and wildland fire suppression.

15 (3) A county firewarden shall act as a liaison between local, state, and federal agencies to coordinate  
16 training and wildland fire prevention, detection, suppression, investigation, and mitigation. The county governing  
17 body may establish any additional duties that the governing body determines to be necessary.

18 (4) The position of county firewarden is distinct from the position of a county rural fire chief appointed  
19 under 7-33-2203 and from a firewarden appointed by the department of natural resources and conservation under  
20 76-13-104.

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22 **Section 2.** Section 76-13-104, MCA, is amended to read:

23 **"76-13-104. Functions of department -- rulemaking.** (1) (a) The department has the duty to ensure  
24 the protection of land under state and private ownership and to suppress wildfires on land under state and private  
25 ownership. Fees may not be collected for this purpose except fees provided for in 76-13-201.

26 (b) The department may engage in wildfire initial attack on all lands if the fire threatens to move onto  
27 state or private land.

28 (2) (a) The department shall adopt rules to protect the natural resources of the state, especially the  
29 natural resources owned by the state, from destruction by fire and for that purpose, in declared emergencies, may  
30 employ personnel and incur other expenses when necessary.

1 (b) The department may adopt and enforce reasonable rules for the purpose of enforcing and  
2 accomplishing the provisions and purposes of part 2 and this part.

3 (3) The duty imposed on the department under this section is not exclusive to the department and does  
4 not absolve private property owners or local governmental fire agencies organized under Title 7, chapter 33, from  
5 any fire protection or suppression responsibilities.

6 (4) The department may give technical and practical advice concerning forest, range, water, and soil  
7 conservation and the establishment and maintenance of woodlots, windbreaks, shelterbelts, and fire protection.

8 (5) The department shall cooperate with all public and other agencies in the development, protection,  
9 and conservation of the forest, range, and water resources in this state.

10 (6) The department shall establish and maintain wildland fire control training programs.

11 (7) The department shall appoint firewardens in the number and localities that it considers necessary;  
12 ~~subject to confirmation by the local county government~~, and shall adopt rules prescribing the qualifications and  
13 duties of firewardens that are in addition to those provided in 76-13-116.

14 (8) The department shall adopt rules addressing development within the wildland-urban interface,  
15 including but not limited to:

16 (a) best practices for development within the wildland-urban interface; and

17 (b) criteria for providing grant and loan assistance to local government entities to encourage adoption  
18 of best practices for development within the wildland-urban interface."

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20 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
21 integral part of Title 7, chapter 33, part 22, and the provisions of Title 7, chapter 33, part 22, apply to [section 1].

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