



AN ACT REVISING WILDFIRE SUPPRESSION LAWS; PROVIDING DEFINITIONS REGARDING UNMANNED AERIAL VEHICLES AND WILDFIRE SUPPRESSION ACTIVITIES; REVISING THE OFFENSE OF OBSTRUCTION OF WILDFIRE SUPPRESSION ACTIVITIES; AMENDING SECTIONS 76-13-102, 76-13-112, 76-13-203, AND 76-13-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 76-13-102, MCA, is amended to read:

"76-13-102. Definitions. Unless the context requires otherwise, in part 2 and this part, the following definitions apply:

(1) "Conservation" means the protection and wise use of forest, range, water, and soil resources in keeping with the common welfare of the people of this state.

(2) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(3) "Forest land" means land that has enough timber, standing or down, slash, or brush to constitute in the judgment of the department a fire menace to life or property. Grassland and agricultural areas are included when those areas are intermingled with or contiguous to and no further than one-half mile from areas of forest land.

(4) (a) "Forest practices" means the harvesting of trees, road construction or reconstruction associated with harvesting and accessing trees, site preparation for regeneration of a timber stand, reforestation, and the management of logging slash.

(b) The term does not include activities for the purpose of:

(i) the operation of a nursery or Christmas tree farm;

(ii) the harvest of Christmas trees;

(iii) the harvest of firewood; or

(iv) the cutting of trees for personal use by an owner or operator.

(5) "Operator" means a person responsible for conducting forest practices. An operator may be the owner, the owner's agent, or a person who, through contractual agreement with the landowner, is obligated to or entitled to conduct forest practices or to carry out a timber sale.

(6) "Owner" means the person, firm, association, or corporation having the actual, beneficial ownership of forest land or timber other than an easement, right-of-way, or mineral reservation.

(7) "Person" means an individual, corporation, partnership, or association of any kind.

(8) "Recognized agency" means an agency organized for the purpose of providing fire protection and recognized by the department as giving adequate fire protection to lands in accordance with rules adopted by the department.

(9) "Timber sale" means a series of forest practices designed to access, harvest, and regenerate trees on a defined land area.

(10) "Unmanned aerial vehicle" means an aircraft that is operated without direct human intervention from, on, or within the aircraft.

(11) "Unmanned aerial vehicle system" means the entire system used to operate an unmanned aerial vehicle, including:

(i) the unmanned aerial vehicle;

(ii) communications equipment;

(iii) navigation equipment;

(iv) controllers;

(v) support equipment; and

(vi) autopilot functionality.

~~(10)~~(12) "Wildfire" means an unplanned, unwanted fire burning uncontrolled on wildland and consuming vegetative fuels.

~~(14)~~(13) "Wildfire season" means the period of each year beginning May 1 and ending September 30, inclusive.

(14) "Wildfire suppression activities" means any action, response, or effort by a recognized agency

to contain, extinguish, or suppress a wildfire.

~~(12)~~(15) "Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, powerlines, and similar facilities, and in which structures, if any, are widely scattered.

~~(13)~~(16) "Wildland fire" means a fire burning uncontrolled on forest lands.

~~(14)~~(17) "Wildland fire protection" means the work of prevention, detection, and suppression of wildland fires and includes training required to perform those functions.

~~(15)~~(18) "Wildland fire protection district" means a definite land area, the boundaries of which are fixed and in which wildland fire protection is provided through the medium of an agency recognized by the department.

~~(16)~~(19) "Wildland-urban interface" means the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels."

Section 2. Section 76-13-112, MCA, is amended to read:

"76-13-112. Penalty for violation. (1) Unless otherwise provided by this part or part 2, a person who violates this part or part 2 or any rule adopted pursuant to this part or part 2 is guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or imprisonment in a county jail for not more than 6 months or both.

(2) Actions to prosecute criminal violations of this part or part 2 or any rule adopted pursuant to this part or part 2 must be conducted by the city attorney, county attorney, or attorney general."

Section 3. Section 76-13-203, MCA, is amended to read:

"76-13-203. Extension of wildfire season. In the event of excessive or great fire danger, the ~~period~~ wildfire season defined in ~~76-13-102(11)~~ 76-13-102 may be expanded when in the judgment of the department dangerous fire conditions exist. When expanded, the department shall give public notice."

Section 4. Section 76-13-214, MCA, is amended to read:

"76-13-214. Obstruction of aerial ~~aerial~~ wildfire suppression ~~effort~~ activities -- penalty -- exceptions. (1) A person may not obstruct, impede, prevent, or otherwise interfere with a lawful aerial ~~aerial~~

wildfire suppression ~~response by a state or local government effort~~ activities by any means, including by the use of an unmanned aerial vehicle system.

(2) A person who violates subsection (1) is ~~liable for a civil penalty to the state or local government for an amount equivalent to the reasonable costs of obstructing, impeding, preventing, or interfering with an aerial wildfire suppression response effort. The penalty may not exceed the actual flight costs of the aerial wildfire suppression response effort that was obstructed, impeded, prevented, or interfered with~~ guilty of a misdemeanor and shall be punished by a fine of not more than \$1,500.

~~(3)~~(3) (a) Subsection (1) does not apply to the operation of an unmanned aerial vehicle system conducted by a unit or agency of the United States government or of a state, tribal, or local government, including any individual conducting an operation pursuant to a contract or other agreement entered into with the unit or agency, for the purpose of protecting the public safety and welfare, including firefighting, law enforcement, or emergency response.

(b) Subsection (2) does not limit other remedies available for damages to any person or property or the recovery of wildfire suppression costs caused by a person who violates subsection (1).

~~(4) As used in this section, the following definitions apply:~~

~~(a) "Unmanned aerial vehicle" means an aircraft that is:~~

~~(i) capable of sustaining flight; and~~

~~(ii) operated with no possible direct human intervention from on or within the aircraft.~~

~~(b) "Unmanned aerial vehicle system" means the entire system used to operate an unmanned aerial vehicle, including:~~

~~(i) the unmanned aerial vehicle;~~

~~(ii) communications equipment;~~

~~(iii) navigation equipment;~~

~~(iv) controllers;~~

~~(v) support equipment; and~~

~~(vi) autopilot functionality.~~

~~(c) "Wildfire" means an unplanned, unwanted fire burning uncontrolled and consuming vegetative fuels.~~

~~(d) "Wildfire suppression" means an effort to contain, extinguish, or suppress a wildfire."~~

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 219, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 219

INTRODUCED BY W. CURDY

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