**** Bill No. ****

Introduced By **********

By Request of the *********

HJR 10 PROPOSED BILL #3

A Bill for an Act entitled: "An Act generally revising wildfire protection laws; establishing a state fire policy; providing definitions for "wildfire", "wildfire season", and "wildland"; consolidating and clarifying the authority of the department of natural resources and conservation; requiring the department to appoint firewardens and to prescribe duties for firewardens; providing that firewardens are not criminally liable under certain circumstances; removing provisions requiring the county to list forest lands with the department; clarifying that a permit is not needed to ignite certain recreational fires during wildfire season; revising penalties for failure to comply with burning permits, failure to extinguish recreational fires, and throwing lighted material; extending to all wildlands certain provisions that previously only applied to forest lands; imposing upon owners of all lands the duty to protect the land from wildfire; revising the date by which the department of natural resources and conservation shall certify to the department of revenue the names of owners of forest lands; amending sections 76-13-101, 76-13-102, 76-13-103, 76-13-104, 76-13-105, 76-13-110, 76-13-121, 76-13-122, 76-13-123, 76-13-124, 76-13-125, 76-13-126, 76-13-201, 76-13-202, 76-13-203, 76-13-204, 76-13-205, 76-13-206,

76-13-207, 76-13-208, 76-13-209, 76-13-210, 76-13-211, and 77-5-103, MCA; repealing sections 76-11-101, 76-11-102, 76-13-106, 76-13-109, 77-5-104, 77-5-105, and 77-5-106, MCA."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. 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 is 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 wildfire policy.

(5) All property in Montana has wildfire protection from a recognized fire protection entity.

(6) All private property owners and federal and state public land management agencies have a responsibility to manage resources, mitigate fire hazards, and otherwise prevent fires on their property.

(7) Sound forest management activities to reduce fire risk--

such as thinning, prescribed burning, and insect and disease treatments--improve the overall diversity and vigor of forested landscapes and improve the condition of related water, wildlife, recreation, and aesthetic resources.

(8) Development of fire protection guidelines for the wildland-urban interface is critical to improving public safety and for reducing risk and loss.

Section 2. Section 76-13-101, MCA, is amended to read:

"76-13-101. Purpose. (1) It is the purpose of this part and part 2 to provide for the protection and conservation of ~~forest~~ natural resources, range, and water; the regulation of streamflow; and the prevention of soil erosion. It is further the purpose of this part and part 2 to more adequately promote and facilitate the cooperation, financial and otherwise, between the state and public and private agencies which are associated in such work.

(2) To achieve the conservation of ~~forest~~ natural and watershed resources, the legislature encourages the use of best management practices in timber sale planning, associated road construction and reconstruction, timber harvesting, site preparation, and related activities and establishes a process to ensure that information on best management practices is provided to owners and operators engaged in forest practices on private land."

{*Internal References to 76-13-101: None.*}

Section 3. 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) "Board" means the board of land commissioners provided for in Article X, section 4, of the Montana constitution.~~

~~(2)~~ (1) "Conservation" means the protection and wise use of forest, ~~forest~~ range, ~~forest~~ water, and ~~forest~~ soil resources in keeping with the common welfare of the people of this state.

~~(3)~~ (2) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

~~(4)~~ (3) "Forest fire" means a fire burning uncontrolled on forest lands.

~~(5) "Forest fire protection" means the work of prevention, detection, and suppression of forest fires and includes training required to perform those functions.~~

~~(6) "Forest fire protection district" means a definite forest land area, the boundaries of which are fixed and in which forest fire protection is provided through the medium of an agency recognized by the department.~~

~~(7) "Forest fire season" means the period of each year beginning May 1 and ending September 30, inclusive.~~

~~(8)~~(4) "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.

~~(9)~~(5) (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.

~~(10)~~(6) "Lands" for conservation purposes means all forest lands within this state that are officially classified by the department as forest lands under 76-13-107.

~~(11)~~(7) "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.

~~(12)~~(8) "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.

~~(13)~~(9) "Person" means an individual, corporation,

partnership, or association of any kind.

~~(14)~~(10) "Recognized agency" means an agency organized for the purpose of providing ~~forest~~ fire protection and recognized by the department as giving adequate fire protection to ~~forest~~ lands in accordance with rules adopted by the department.

~~(15)~~(11) "Timber sale" means a series of forest practices designed to access, harvest, and regenerate trees on a defined land area.

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

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

(14) "Wildland" means an area in which development is essentially non-existent, except for roads, railroads, powerlines, and similar facilities, and in which structures, if any, are widely scattered.

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

(16) "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.

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

{*Internal References to 76-13-102:*

76-13-103 76-13-203 }

Section 4. Section 76-13-103, MCA, is amended to read:

"76-13-103. Applicability. This part and part 2 apply to all ~~forest~~ state and private lands within this state that are ~~officially classified by the department as forest lands according to the definition of forest land in 76-13-102~~ susceptible to wildfire, as determined by the department."

{*Internal References to 76-13-103: None.*}

Section 5. Section 76-13-104, MCA, is amended to read:

"76-13-104. Functions of department -- rulemaking. (1) The department has the duty to ensure the protection of land under state and private ownership and to suppress wildfires on land under state and private ownership.

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

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

(3) The duty imposed on the department under this section is not exclusive to the department and does not absolve private property owners or governmental fire agencies from any fire protection or suppression responsibilities.

~~(1)~~(4) The department may give technical and practical advice concerning forest, range, water, and soil conservation and the establishment and maintenance of woodlots, windbreaks, shelterbelts, and forest fire protection.

~~(2)~~(5) The department shall cooperate with all public and other agencies in the development, protection, and conservation of the forest, range, and water resources in this state.

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

~~(3) The department shall require an owner or operator to provide a notification prior to conducting forest practices as provided in 76-13-131, shall adapt as necessary any procedure used for notification with respect to an agreement under 76-13-408 to ensure that the operator provides information on the location of the forest practices in relation to watershed features, and shall conduct onsite consultations as provided for in 76-13-132.~~

(7) The department shall appoint firewardens in the number and localities that it considers necessary and shall adopt rules prescribing the qualifications and duties of firewardens."

{*Internal References to 76-13-104: None.*}

NEW SECTION. **Section 6. Duties of firewarden -- liability.** (1) In addition to the duties prescribed by rule pursuant to 76-13-104(7), a firewarden appointed by the department shall promptly report all fires to the department, take immediate and active steps toward their extinguishment, report any violation of

the provisions of Title 76, chapter 13, parts 1 and 2, and assist in apprehending and convicting offenders.

(2) A firewarden is not liable for civil action for trespass committed in the discharge of the firewarden's duties.

(3) A firewarden is not criminally liable for acts that are committed within the course and scope of employment, as provided in Title 2, chapter 9.

(4) A firewarden who has information that shows, with reasonable certainty, that a person has violated any provision of Title 76, chapter 13, parts 1 and 2 shall immediately take action against the offender by making complaint before the appropriate authority or by providing information to the appropriate county attorney and shall obtain all possible evidence pertaining to the violation.

Section 7. Section 76-13-105, MCA, is amended to read:

"76-13-105. Protection of ~~nonforest~~ lands and improvements <u>from fire</u>. <u>(1)</u> Nonforest lands and improvements may be protected by the department when requested by the landowner at rates determined by the department.

<u>(2) Land classified as forest land under 76-13-107 within a wildland fire protection district as provided in 76-13-204 must be protected as provided in 76-13-201 and 76-13-207.</u>

<u>(3) Private and public land that is not within a wildland fire protection district or under the protection of the department, a federal agency, or a municipality must be protected by a county as provided in 7-33-2202. The county governing body</u>

shall either provide direct protection as provided in 7-33-2202(3) or it shall enter into an agreement with a recognized agency."

{*Internal References to 76-13-105: None.*}

NEW SECTION. **Section 8. [Formerly 76-11-102] Cooperative agreements with owners and lessees of land for fire protection and conservation.** (1) For the purpose of more adequately promoting and facilitating cooperation, financial and otherwise, between the state and all of the public and private agencies, the department may cooperate with owners or lessees of farm, range, forest, watershed, or other uncultivated lands in private and public ownership for the protection from fire of the cultivated agricultural crops or natural resources existing or growing on the land and also in the conservation and perpetuation of the lands and resources, including the prevention of soil erosion and the regulation of stream flow.

(2) The state treasurer may receive money that may be appropriated or allotted for the purposes listed in subsection (1) by the state, counties, municipalities, the United States government or any department of the federal government, or other organization or individual.

Section 9. Section 76-13-110, MCA, is amended to read:

"76-13-110. Owner's right to ~~board~~ hearing. (1) An owner of forest land is entitled to a hearing before the ~~board~~ department, after a request ~~therefor~~ for a hearing, on any subject pertaining

to the activities of the ~~board, the~~ department~~,~~ or any recognized agency as agent of the department affecting the owner's property. A request for a hearing before the ~~board~~ department may not have the effect of suspending the operations of the ~~board, the~~ department~~,~~ or any agent of the department undertaken pursuant to this chapter, but upon the hearing, the ~~board~~ department may terminate those operations if found unreasonable.

(2) A hearing pertaining to costs charged against the forest land of an owner for protection ~~thereof~~, as provided in 76-13-201, must be requested on or before August 15 each year."

{*Internal References to 76-13-110: None.*}

Section 10. Section 76-13-121, MCA, is amended to read:

"76-13-121. Permit for burning required. (1) During the ~~forest fire~~ wildfire season or an expansion ~~thereof~~ of the season, a person may not ignite or set a ~~forest~~ fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or, except as provided in subsection (2), an open fire ~~within forest lands~~ without an official written permit to ignite or set the fire from the recognized ~~protection~~ agency for that protection area. A permit may not be issued for an area where a special burning restriction in a high fire hazard area has been imposed by a county governing body under [Section 3, LC2001] or by the department under [Section 1, LC2001].

(2)(a) ~~A permit is not required in order to build, set, or ignite a campfire within and upon a designated improved camping ground or upon a plot of land from which all vegetable and~~

~~inflammable matter and debris have been removed to a point where it may not become ignited by the campfire or by sparks therefrom~~ If no restrictions are in place, a permit is not needed for recreational fires measuring less than 48 inches in diameter that are surrounded by a nonflammable structure and for which a suitable source of extinguishing the fire is available [**From 7-33-2205**].

(b) A recreational fire may not be ignited if special restrictions prohibiting recreational fires have been established by an authority having jurisdiction."

{*Internal References to 76-13-121: 76-13-123* }

Section 11. Section 76-13-122, MCA, is amended to read:

"76-13-122. Failure to comply with permit. A person to whom a written permit is issued to set or ignite a fire ~~within forest lands during the forest protection season~~ shall comply strictly with the permit. A person who fails to comply with the permit, leaves the fire unattended, leaves the fire before it is totally extinguished, or negligently allows the fire to spread from or beyond the burning area defined by the permit is ~~guilty of a misdemeanor~~ subject to the penalty provided in 50-63-102 and is subject to the provisions of 50-63-103. The department shall prescribe the form and substance of ~~such~~ the permit."

{*Internal References to 76-13-122: None.*}

Section 12. Section 76-13-123, MCA, is amended to read:

"76-13-123. Failure to extinguish ~~campfire~~ recreational fire. ~~Any~~ A person who ~~shall fail~~ fails to extinguish ~~any campfire~~ a recreational fire that the person has set or ignited ~~by him within any forest lands before leaving the same, who shall fail to extinguish any campfire used by him or left in his charge before leaving the same,~~ or in which the person has been left in charge or who ~~shall~~ negligently ~~allow such~~ allows the fire to spread from the plot described in 76-13-121 ~~shall be guilty of a misdemeanor~~ is subject to the penalty provided in 50-63-102 and is subject to the provisions of 50-63-103."

{*Internal References to 76-13-123: None.*}

Section 13. Section 76-13-124, MCA, is amended to read:

"76-13-124. Throwing lighted materials. A person who throws or places any lighted ~~cigarette, cigar, ashes, or other~~ material or flaming or glowing substance that may start a fire ~~in or near any forest material~~ is ~~guilty of a misdemeanor~~ subject to the penalty provided in 50-63-102 and is subject to the provisions of 50-63-103."

{*Internal References to 76-13-124: None.*}

Section 14. Section 76-13-125, MCA, is amended to read:

"76-13-125. Spark arresters required. ~~No~~ A person may not use, drive, or operate within any ~~forest lands~~ wildland any internal combustion engine that is not equipped with a modern, efficient, and adequate spark arrester ~~and with modern, efficient devices~~ to prevent the escape of sparks, coals, cinders, and

other burning material from the exhaust of ~~any such~~ the engine."

{*Internal References to 76-13-125: None.*}

Section 15. Section 76-13-126, MCA, is amended to read:

"76-13-126. Restrictions on ~~sawdust piles~~ mill waste. ~~(1) Before each forest fire season, all~~ All persons, firms, or corporations creating or responsible for mill waste ~~within the forest areas~~ shall treat, dispose of, remove, or reduce the hazards created so that the accumulation of ~~sawmilling~~ the waste does not constitute a fire hazard.

~~(2) A sawmill located within or contiguous to forest lands may not accumulate in one pile sawdust in excess of an amount resulting from the sawing of 500,000 feet log scale of sawlogs. However, a larger sawdust pile may be accumulated when there is no reasonable danger of fire therefrom and a permit for the additional accumulation is granted by the department. If burning is the disposal method elected, each sawdust pile so accumulated shall be prepared for burning by cribbing the base of each pile with slabs and burned in accordance with rules adopted by the department.~~"

{*Internal References to 76-13-126: None.*}

NEW SECTION. **Section 16. Duty of owner to protect against fire.** (1) A owner of land shall protect against the starting or existence of fire and shall suppress the spread of fire on that land. This protection and suppression must be in conformity with reasonable rules and standards for adequate fire protection

adopted by the department.

(2) (a) The provisions of 76-13-201 apply to an owner of land that is classified as forest land under 76-13-107 and that is within a wildland fire protection district.

(b) If an owner of land does not provide for protection against the starting or existence of fire and for fire suppression and the land does not meet the criteria in subsection (2)(a), the owner may request that the department provide protection as provided in 76-13-105.

Section 17. Section 76-13-201, MCA, is amended to read:

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

~~(2)~~ (1) ~~If the~~ An owner of land classified as forest land within a wildland fire protection district ~~does not provide for the protection and suppression, the~~ is subject to the fees for fire protection provided in this section.

(2) The department ~~may~~ shall provide ~~it~~ fire protection to the land described in subsection (1) at a cost to the landowner of not more than $30 for each landowner in the protection district and of not more than an additional 20 cents per acre per year for each acre in excess of 20 acres owned by each landowner in each protection district, as necessary to yield the amount of

money provided for in 76-13-207. ~~The owner of the land shall pay the charge approved by the department in accordance with part 1 and this part to the department of revenue. Payments to the department of revenue are due on or before November 30 of each year~~ Assessment, payment, and collection of the fire protection costs must be made in accordance with 76-13-207.

~~(3)~~ (2) Other charges may not be assessed to a participating landowner except in cases of proven negligence on the part of the landowner or the landowner's agent or in the event of a violation of 50-63-102."

{*Internal References to 76-13-201:*
76-13-110 76-13-206 76-13-207 }

Section 18. Section 76-13-202, MCA, is amended to read:

"76-13-202. Means by which department may provide protection. The department may provide for ~~forest fire~~ wildfire protection of any ~~forest lands~~ wildlands through the department or by contract or any other feasible means, in cooperation with any federal, state, or other recognized agency."

{*Internal References to 76-13-202: None.*}

Section 19. Section 76-13-203, MCA, is amended to read:

"76-13-203. Extension of the ~~forest fire~~ wildfire season. In the event of excessive or great fire danger, the period defined in 76-13-102~~(7)~~(13) may be expanded when in the judgment of the department dangerous fire conditions exist. When expanded, the department shall give public notice."

{*Internal References to 76-13-203: None.*}

Section 20. Section 76-13-204, MCA, is amended to read:

"76-13-204. Creation, annexation of land into, and dissolution of ~~forest~~ wildland fire protection districts. (1) In accordance with the provisions of subsections (2) and (3), the department may create, annex land to, or dissolve ~~forest~~ wildland fire protection districts.

(2) Before a district is created, land is annexed into a district, or a district is dissolved, the department shall hold a hearing in any county in which land affected by the proposed change is located.

(a) The department shall give notice at least 20 days in advance of the hearing to all property owners to be affected by the proposed change. Service of the notice may be made by certified mail to each affected property owner or by publication of the notice in a newspaper published or generally circulated in the county in which the hearing is to be held.

(b) The department shall consider the arguments made for and against the proposed change in making a determination under this section.

(3) (a) A ~~forest~~ wildland fire protection district may not be created or dissolved unless approved in writing by a vote of not less than 51% of the owners representing at least 51% of the acreage to be involved in the affected ~~forest~~ wildland fire protection district.

(b) Land may not be annexed into a district unless approved

by 51% of the owners representing at least 51% of the acreage to be annexed.

(4) Land annexed into a district may not be removed from that district unless that district is dissolved."

{*Internal References to 76-13-204: None.*}

Section 21. Section 76-13-205, MCA, is amended to read:

"76-13-205. Determination of boundaries of district. In establishing boundaries of organized ~~forest~~ wildland fire protection districts ~~covering forest lands~~, the department may for the purpose of administrative convenience designate recognizable landmarks as boundaries."

{*Internal References to 76-13-205: None.*}

Section 22. Section 76-13-206, MCA, is amended to read:

"76-13-206. What constitutes compliance with duty to protect against fire ~~for landowners within district~~. An owner of ~~forest lands~~ land within an organized ~~forest~~ wildland fire protection district while a member of or while participating in a recognized agency for ~~forest~~ wildland fire protection or within areas protected by a county shall be considered to have fully complied with the requirements of ~~76-13-201~~ [section 16]."

{*Internal References to 76-13-206: None.*}

Section 23. 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 from the landowners to no greater than one-third of the amount specified in the appropriation.

(2) On or before the ~~second Tuesday in August~~ first Tuesday in September of each year, the department shall certify in writing to the department of revenue the names of these owners of forest lands in each county, together with a description of their lands and a statement of the amount found to be due and owing by each of the owners to the department for ~~forest~~ wildland fire protection.

(3) Upon receiving the certificate from the department showing the amount due, the department of revenue shall extend the amounts upon the county tax rolls covering the lands, and the sums become obligations of the owner, to be paid and collected in the same manner and at the same time and subject to the same penalties as general state and county taxes upon the same property are collected."

{*Internal References to 76-13-207:*
76-13-201 *76-13-209* }

Section 24. Section 76-13-208, MCA, is amended to read:

"76-13-208. Nature of assessments for ~~forest~~ wildland fire

protection. All payments required of ~~owners of forest lands~~ landowners by this part and part 1 are assessments for benefits actually received by those owners in the protection of their lands and are not a tax upon the property of ~~such~~ the owners."

{*Internal References to 76-13-208: None.*}

Section 25. Section 76-13-209, MCA, is amended to read:

"76-13-209. Disposition of assessments. ~~All sums~~ Money collected by the county treasurer pursuant to 76-13-207 ~~shall~~ must be ~~promptly deposited~~ remitted to the state for deposit in the state special revenue fund."

{*Internal References to 76-13-209: None.*}

Section 26. Section 76-13-210, MCA, is amended to read:

"76-13-210. Payment under protest. An owner who is required to pay to the county treasurer any sum for ~~forest~~ wildland fire protection as required by this part or part 1 and who contends that ~~he~~ the owner is not legally obligated to pay the sum or some part ~~thereof~~ of the sum shall pay it to the county treasurer under written protest stating the reasons for the protest. The payment under protest and all proceedings subsequent ~~thereto shall~~ to the payment must be in conformity with the law of this state providing for the payment of taxes under protest and action to recover the ~~same~~ payment. In the hearing and determination of any action to recover the payment under protest, all questions of the legality and reasonableness of the proceedings of the ~~board and the~~ department may be reviewed and decided."

{*Internal References to 76-13-210: None.*}

Section 27. Section 76-13-211, MCA, is amended to read:

"76-13-211. Amount due for protection treated as lien. (1) Whenever the department provides ~~forest~~ wildland fire protection ~~during a forest fire season~~ for any ~~forest land~~ wildland or timber not protected by the owner ~~thereof~~ of the land as required by this part or part 1, the amount due for the ~~forest~~ protection is a lien upon the land or timber ~~which shall continue~~ that continues until ~~such time as~~ the amount due is paid.

(2) The lien has the same force, effect, and priority as general tax liens under the laws of the state and is subject and inferior only to tax liens on the lands. The county attorney of the county in which the land is situated shall on request of the department foreclose the lien in the name of the state and in the manner provided by law, or the county attorney upon the request of the department shall institute an action against the forest landowner in the name of the state in any district or justice court having jurisdiction to recover the debt. The state in the action is not required to pay any fees or costs to the clerk of the court or justice of the peace.

(3) The remedies provided by this section are cumulative and do not affect the other provisions of this part or part 1 for the payment and collection of amounts due to the department."

{*Internal References to 76-13-211: None.*}

Section 28. Section 77-5-103, MCA, is amended to read:

"77-5-103. Role of department. (1) The department shall, under the direction and control of the board, do all the field work in the selection, location, examination, appraisement, and reappraisement of state timberlands.

(2) It shall do all acts required of it by the board, and under the direction of the board it has general charge of the timberlands of the state.

(3) It shall, under the supervision of the board:~~,~~

(a) execute all matters pertaining to forestry within the jurisdiction of the state;

(b) ~~have charge of all firewardens of the state and direct and aid them in their duties;~~ direct the protection, improvement, and condition of state forests;

(c) take ~~such~~ any action ~~as is~~ authorized by law to prevent and extinguish ~~forest, brush, and grass~~ wildland fires; and

(d) enforce the laws pertaining to forest and ~~brushcover~~ nonforest lands and prosecute for any violation of those laws.

~~(4) The department shall establish and maintain forest fire control training programs for state firefighters and other persons requiring training.~~" [**Moved to 76-13-104**]

{*Internal References to 77-5-103: None.*}

NEW SECTION. **Section 29. Directions to code commissioner.** Sections 76-13-131 through 76-13-135 are intended to be renumbered and codified as an integral part of Title 76, chapter 13, part 4.

NEW SECTION. **Section 30. {standard} Repealer.** Sections 76-11-101, 76-11-102, 76-13-106, 76-13-109, 77-5-104, 77-5-105, and 77-5-106, MCA, are repealed.

{*Internal References to 76-11-101: None.*
Internal References to 76-11-102: None.
Internal References to 76-13-106: None.
Internal References to 76-13-109: None.
Internal References to 77-5-104: 87-1-504
Internal References to 77-5-105: None.
Internal References to 77-5-106: None.}

NEW SECTION. **Section 31. {standard} Codification instruction.** (1) [Sections 1, 6, and 8] are intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [sections 1, 6, and 8].

(2) [Section 16] is intended to be codified as an integral part of Title 76, chapter 13, part 2, and the provisions of Title 76, chapter 13, part 2, apply to [section 16].

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