

HOUSE BILL NO. 340

INTRODUCED BY T. BURNETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO FINE THE FEDERAL GOVERNMENT FOR FIRES ON CERTAIN FEDERAL LANDS THAT CONTRIBUTE TO EXCEEDANCE OF AIR QUALITY STANDARDS."

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

NEW SECTION. Section 1. Legislative findings. The legislature finds that:

(1) the Organic Administration Act of 1897 directed that the national forests should be protected against destruction by fire and depredation. The act further said that to promote younger growth in the forests, trees that are dead and matured should be sold.

(2) the state and the federal government agree that more than 5 million acres of federal forests in Montana are affected by insects and disease resulting in declining forest health, a risk of substantially increased tree mortality, and an imminent risk to public infrastructure, health, and safety;

(3) although these landscapes are now subject to sustainable management under the Agricultural Act of 2014, the lack of previous management makes these forests susceptible to regular and intense wildfires; and

(4) there is documented evidence that wildfires on these mismanaged lands are responsible for exceeding air quality standards in Montana and compromising the public health.

NEW SECTION. Section 2. Wildfire smoke exceedances -- fines. (1) Whenever an exceedance of

the 24-hour ambient air quality standard for particulate matter is monitored by the department, the department shall determine whether any part of the exceedance is attributable to smoke originating from a wildfire on federal land that lies within a landscape-scale insect and disease area designated by the U.S. department of agriculture pursuant to the Healthy Forests Restoration Act of 2003 and the Agricultural Act of 2014.

(2) Each exceedance the department determines is attributable to a fire on federal land pursuant to subsection (1) is a violation of this section and subject to the enforcement provisions of Title 75, chapter 2, part 4.



