

## SENATE BILL NO. 340

INTRODUCED BY C. VINCENT

1  
2  
3  
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."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
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 county governing body may in its discretion establish fire CONTROLLED BURNING seasons annually, during  
14 which a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire,  
15 or open fire within the county protection area on any residential or commercial property, forest, range, or  
16 croplands subject to the provisions of this part without having obtained an official written permit or permission to  
17 ignite or set a fire from the recognized protection agency for that protection area.

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

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

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

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

30 (3) A person who purposely ignites a fire in violation of this section shall reimburse the county governing

1 body or recognized protection agency for costs incurred for any fire suppression activities resulting from the illegal  
2 fire, as provided in 50-63-103."

3

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

5

- END -