

1 SENATE BILL NO. 448

2 INTRODUCED BY M. CUFFE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING RULES REGULATING UNATTENDED FIRES~~
5 ~~CONDUCTED UNDER FIRE HAZARD REDUCTION AGREEMENTS; PROVIDING RULEMAKING~~
6 ~~AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."~~

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

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10 NEW SECTION. Section 1. Fire hazard reduction agreement -- ~~burn rules~~ SLASH BURNING. (1)
11 ~~Before July 1, 2024, the department shall adopt rules that apply to fire hazard reduction agreements~~ SLASH
12 BURNING AS PART OF HAZARD REDUCTION AGREEMENTS MUST BE conducted under RULES ADOPTED PURSUANT TO this
13 part and ~~regulated~~ BURNING NOTIFICATION REQUIREMENTS ADOPTED pursuant to 7-33-2205.

14 ~~(2) The rules must contain provisions that allow for a fire to be left unattended when the risk of~~
15 ~~spreading is highly unlikely, including but not limited to:~~

16 ~~(a) the presence of snow, other moisture, or forecasted moisture;~~

17 ~~(b) no high wind warnings in the immediate forecast; and~~

18 ~~(c) at least one site visit to ensure the risk is minimized.~~

19 (2) IMMEDIATE OR CONTINUOUS PRESENCE IS NOT REQUIRED FOR SLASH BURNING CONDUCTED UNDER
20 THIS SECTION PROVIDED THAT:

21 (A) SIGNIFICANT PRECIPITATION, THE PRESENCE OF PERSISTENT SNOW COVER, FUEL MOISTURE
22 CONDITIONS, OR A COMBINATION OF THOSE FACTORS SUFFICIENTLY INHIBIT THE CHANCE OF FIRE SPREADING UNDER
23 CURRENT AND FORESEEABLE WEATHER CONDITIONS;

24 (B) THERE IS AN ABSENCE OF HIGH WIND EVENTS OR WARNINGS FOR THE SLASH BURNING PERIOD THAT
25 WOULD CAUSE THE FIRE OR EMBERS TO SPREAD BEYOND THE INTENDED LOCATION;

26 (C) THE SLASH BURN LOCATION IS SUFFICIENTLY MONITORED, PATROLLED, OR BOTH UNTIL THE RISK OF
27 FIRE SPREAD SUBSIDES. THIS INCLUDES AT LEAST ONE SITE VISIT TO ENSURE CONTAINMENT.

28 (3) NOTHING IN THIS SECTION ABSOLVES THE HOLDER OF A FIRE HAZARD REDUCTION AGREEMENT FROM

1 OPERATING WITH REASONABLE CARE AND CAUTION OR THE PROVISIONS OF 50-63-102 AND 50-63-103.

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3 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
4 integral part of Title 76, chapter 13, part 4, and the provisions of Title 76, chapter 13, part 4, apply to [section 1].

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6 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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