HOUSE BILL NO. 70

INTRODUCED BY S. GIST

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A STUDY OF STATE FIRE SUPPRESSION ISSUES, METHODS, AND COSTS; PROVIDING AN APPROPRIATION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, since the destructive Big Burn of 1910, federal wildfire policy has been to suppress fires at all costs, resulting in forests that are overstocked with fuel; and

WHEREAS, wildfires now consume twice as much land each year on average than in the 1990s, a trend expected to continue; and

WHEREAS, more than one-third of Montana homes are exposed to moderate to high wildfire risk; and

WHEREAS, a variety of factors have exacerbated the risks, including regulatory red tape, incomplete government partnerships, unexplored economic benefits, and unrecognized risk sharing; and

WHEREAS, environmental reviews, endangered species concerns, and pernicious litigation prevent necessary mechanical treatment and prescribed burns, which could lessen ladder and canopy fuels, reduce fuel loads, and improve habitat; and

WHEREAS, profitable markets for shrubs and small-diameter trees may be developed in engineered-wood plants to produce oriented-strand board, biochar, or wood chips; and

WHEREAS, use of prescribed fires as a management tool should be encouraged, perhaps as a recognized property right, expanded liability protections, or certified burning; and

WHEREAS, CONTROLLED LIVESTOCK GRAZING CAN BE AN EFFECTIVE TOOL FOR MANAGING FUEL LOADS; AND

WHEREAS, as the number of homes in areas with moderate or high wildfire risk has doubled since 1990, volunteer, local, state, and federal authorities are faced with protecting these structures; and

WHEREAS, improved cooperation between states, tribes, and counties can together improve forest health and reduce wildfire risk; and

WHEREAS, use of all resources should be examined to maximize private, local government, and state fire resources; and

WHEREAS, the Montana Legislature, which sets policy for and pays for much of the wildland firefighting on behalf of state taxpayers, has not fully examined these and other related issues since 2009.

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

NEW SECTION. **Section 1. Study of state fire suppression issues, methods, and costs.** (1) The environmental quality council provided for in 5-16-101 shall conduct a comprehensive fire suppression study.

(2) The study must include an investigation of:

(a) firefighting operations in Montana by the state and federal governments, including operations on tribal land and private land, and the management policies affecting the success of those operations;

(b) the efficient use of fire suppression resources, including equipment and firefighters;

(c) the impact of operations on private land and the effective use of private resources to fight fires; and

(d) state and federal forest management AND GRAZING policies and how those policies may potentially ~~contribute to an increased~~ AFFECT THE number of wildfires, ~~great~~ safety risk to firefighters, or ~~compromised effectiveness of~~ fire suppression efforts.

(3) The environmental quality council shall complete the study by September 15, 2026, and report its findings and recommendations, including legislation, to the 70th legislature.

NEW SECTION. **Section 2. Appropriation.** There is appropriated $50,000 from the general fund to the legislative services division for the biennium beginning July 1, 2025, to pay for costs associated with the study required under [section 1.]

NEW SECTION. **Section 3. Contingent voidness.** (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

(2) If the appropriation in [section 2] is vetoed, then [this act] is void.

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

NEW SECTION. **Section 5. Termination.** [This act] terminates December 31, 2026.

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