



AN ACT ESTABLISHING GOOD NEIGHBOR FORESTRY ACCOUNTS; REQUIRING FEDERAL AND STATE FUNDS IN THE ACCOUNTS TO BE USED FOR FOREST MANAGEMENT ACTIVITIES PURSUANT TO THE GOOD NEIGHBOR POLICY ESTABLISHED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTION 76-13-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Congress passed the 2014 farm bill and established good neighbor authority to focus on forest restoration efforts and increase partnerships between the U.S. forest service and individual states; and

WHEREAS, Montana forests play a significant role in the state's economic well-being, attracting new businesses, supporting a booming tourism industry, and providing good-paying jobs in the timber industry in many smaller communities; and

WHEREAS, Governor Bullock identified more than 5 million acres of federal landscape in need of management and there are millions more acres requiring forest management work to be done to protect the state's economy and maintain a viable wood products industry; and

WHEREAS, projects already are helping sustain 1,047 jobs with a total of \$60.5 million in labor and proprietor income, and \$23.8 million in state and federal taxes; and

WHEREAS, future goals include using federal revenue from timber projects to fund more restoration work throughout Montana's forests and further bolster the state's economy.

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

Section 1. Good neighbor forestry accounts -- uses. (1) There are good neighbor forestry special revenue accounts administered by the department within the state special revenue fund and the federal special revenue fund established in 17-2-102.

(2) (a) All state proceeds allocated or budgeted for the purposes of the good neighbor policy established pursuant to 76-13-104 must be deposited in the state special revenue account provided for in subsection (1) of

this section.

(b) Money received by the state in the form of gifts, grants, reimbursements, or allocations from any source intended to be used for the purposes of the good neighbor policy established pursuant to 76-13-104 must be deposited in the appropriate account provided for in subsection (1) of this section.

(c) Federal funds received by the state through good neighbor agreements with the federal government must be deposited in the federal special revenue account provided for in subsection (1) to be used for the purposes of the good neighbor policy established pursuant to 76-13-104.

(3) The department may spend funds in the accounts only to carry out the provisions of the good neighbor policy established pursuant to 76-13-104.

Section 2. Section 76-13-104, MCA, is amended to read:

"76-13-104. Functions of department -- rulemaking. (1) (a) 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. Fees may not be collected for this purpose except fees provided for in 76-13-201.

(b) The department may engage in wildfire initial attack on all lands if the fire threatens to move onto state or private land.

(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 declared 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 part 2 and this part.

(3) The duty imposed on the department under this section is not exclusive to the department and does not absolve private property owners or local governmental fire agencies organized under Title 7, chapter 33, from any fire protection or suppression responsibilities.

(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 fire protection.

(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.

(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 that are in addition to those provided in 76-13-116.

(8) The department shall adopt rules addressing development within the wildland-urban interface, including but not limited to:

- (a) best practices for development within the wildland-urban interface; and
- (b) criteria for providing grant and loan assistance to local government entities to encourage adoption of best practices for development within the wildland-urban interface.

(9) (a) The department shall ~~advocate for the inclusion of Montana in federal legislation to~~ establish a good neighbor policy that would allow the ~~secretary of the interior or the secretary of agriculture to~~ department to enter into a cooperating and coordinating agreement or contract that would authorize authorizes the state forester to engage in forest management and education activities to:

(i) reduce wildland fire risk and intensity on federal land designated as wildland-urban interface under 76-13-145; and

(ii) take advantage of federal authority that promotes sustainable forest management.

(b) Forest management activities to reduce wildland fire risk and intensity included in the good neighbor policy must include the authority to:

- (i) treat insect-infested trees;
- (ii) reduce hazardous fuels; and
- (iii) conduct any other activities to improve the overall diversity and vigor of forested landscapes.

(10) The department has the authority to intervene in litigation or appeals on federal forest management projects that involve reduction of hazardous fuels or other activities to mitigate the risk of wildland fire in the wildland-urban interface."

Section 3. Codification instruction. [Section 1] is 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 [section 1].

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

- END -

I hereby certify that the within bill,
SB 0342, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 342
INTRODUCED BY C. VINCENT

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