

MUNICIPAL FIRE PROTECTION

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: According to [7-33-4101 MCA](#), every city and town in Montana must have a fire department meeting the standards outlined in Chapter 33, Section 7, MCA. Third class cities and towns may contract for fire protection or consolidate with another fire department. First and second class cities and towns are mandated to pay their firefighters the state minimum wage ([7-33-4128 MCA](#)), while third class cities and towns and rural districts can rely on volunteer firefighters. Montana, like most of the nation, has experienced a drastic reduction in the number of volunteer firefighters, which in turn adds financial strain to many fire departments. Multiple pieces of legislation have been introduced to incentivize volunteer firefighting participation and create new avenues of funding for both rural and municipal fire districts.

Other recent proposals related to firefighting include adding worker's compensation, funding firefighter compensation, defining presumptive diseases of firefighters, and combining rural and municipal fire districts.

Legislative Services Division Materials:

[HJ 25: Study of Municipal Fire Departments Summary Report](#), July 2018

[SJR 21: Study of EMS and Volunteer Firefighter Systems Final Report](#), July 2018

[Municipal Classification & HJR 25 Study of Municipal Fire Department Statutes](#), November 2017

[Evolution of Section 7-33-4104, MCA](#), November 2017

Other Materials:

[Montana Emergency Medical Services Report to Education and Local Government Interim Committee](#), January 2016

[Shrinking Resources, Growing Concern](#), August 2017 National Fire Protection Association Journal article

[Washington Regional Fire Authority](#), Implementation guide for fire departments

Introduced Legislation

2019

[SB 20](#) - Chapter Number Assigned - AN ACT ALLOWING CERTAIN MUNICIPALITIES TO ANNEX ONTO A RURAL FIRE DISTRICT FOR FIRE PROTECTION SERVICES AND DISSOLVE AN EXISTING MUNICIPAL FIRE DEPARTMENT; ALLOWING A MUNICIPALITY THAT HAS ANNEXED ONTO A RURAL FIRE DISTRICT TO REMAIN PART OF THE DISTRICT UPON RECLASSIFICATION OF THE MUNICIPALITY; AMENDING SECTIONS 7-2-4734, 7-33-2101, 7-33-2102, 7-33-2104, 7-33-2120, 7-33-2125, 7-33-2128, AND 7-33-4101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 160](#) - Chapter Number Assigned - AN ACT ESTABLISHING THE FIREFIGHTER PROTECTION ACT BY CREATING PRESUMPTIVE COVERAGE UNDER WORKERS' COMPENSATION FOR CERTAIN DISEASES ASSOCIATED WITH FIREFIGHTING ACTIVITIES; PROVIDING CONDITIONS; PROVIDING A REBUTTAL OPTION FOR INSURERS; PROVIDING OPT-IN CHOICE FOR VOLUNTEER FIREFIGHTING ENTITIES; INCLUDING PRESUMPTIVE OCCUPATIONAL DISEASE WITHIN THE STATE'S PUBLIC POLICY PROVISIONS FOR WORKERS' COMPENSATION; PROVIDING DEFINITIONS; AMENDING SECTIONS 39-71-105, 39-71-124, AND 39-71-407, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 171](#) - Chapter Number Assigned - AN ACT GENERALLY REVISING LAWS RELATED TO FIREFIGHTERS AND TOBACCO; REQUIRING THAT PAID FIREFIGHTERS HIRED ON OR AFTER JULY 1, 2019, BE TOBACCO-FREE; PROVIDING TOBACCO CESSATION COURSES TO PAID FIREFIGHTERS WHO CURRENTLY USE TOBACCO PRODUCTS; PROHIBITING CERTAIN FIREFIGHTERS FROM DISPLAYING TOBACCO PRODUCTS OR USING TOBACCO PRODUCTS WHILE ON DUTY; PROHIBITING PROVISIONS ALLOWING TOBACCO USE IN COLLECTIVE BARGAINING AGREEMENTS; AMENDING SECTION 7-33-4107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 192](#) - Chapter Number Assigned - AN ACT GENERALLY REVISING QUALIFICATIONS RELATED TO CITIZENSHIP; REVISING FIREFIGHTER QUALIFICATIONS; ALLOWING A LAWFUL PERMANENT RESIDENT TO BE EMPLOYED AS A FIREFIGHTER; AMENDING SECTION 7-33-4107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 29](#) - Died in Standing Committee - AN ACT REQUIRING WORKERS' COMPENSATION COVERAGE FOR ALL VOLUNTEER FIREFIGHTERS; CLARIFYING THAT THE DISABILITY AND PENSION FUND'S USES INCLUDE PAYING WORKERS' COMPENSATION PREMIUMS PLUS ADMINISTRATIVE EXPENSES; DELAYING IMPLEMENTATION; SUPERSEDING THE UNFUNDED MANDATE LAWS; AND AMENDING SECTIONS 7-33-4510, 19-18-203, 19-18-601, AND 39-71-118, MCA.

2017

[House Bill 427](#) – Chapter Number Assigned -- AN ACT PROVIDING THAT A REAL PROPERTY OWNER IS NOT LIABLE FOR DAMAGES OR INJURY RESULTING FROM ACTS OR OMISSIONS BY A VOLUNTEER FIREFIGHTER WHILE ENGAGED IN FIRE SUPPRESSION ACTIVITIES ON THE OWNER'S PROPERTY; AND AMENDING SECTION 7-33-2208, MCA.

[Senate Bill 16](#) – Chapter Number Assigned -- AN ACT REVISING THE BASIS FOR DETERMINING WHETHER THE DISABILITY AND PENSION FUND OF A CITY'S OR TOWN'S FIRE RELIEF ASSOCIATION IS SOUNDLY FUNDED; AMENDING SECTIONS 19-18-503 AND 19-18-504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 460](#) – Died in Standing Committee -- AN ACT ALLOWING MONEY IN THE FIRE SUPPRESSION ACCOUNT TO BE USED FOR ASSISTING CERTAIN LOCAL FIRE ENTITIES WITH PURCHASING WORKERS' COMPENSATION COVERAGE FOR VOLUNTEERS; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ADOPT RULES GOVERNING USE OF THE FUNDS; PROVIDING THAT UP TO \$100,000 EACH YEAR MAY BE USED TO PROVIDE THE ASSISTANCE; AMENDING SECTION 76-13-150, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 534](#) – Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS GOVERNING MUNICIPAL FIRE DEPARTMENTS; ALLOWING A MUNICIPALITY TO DETERMINE HOW TO PROVIDE FIRE PROTECTION; ALLOWING A MUNICIPALITY TO, UNDER CERTAIN CIRCUMSTANCES, SUBMIT TO THE ELECTORATE THE QUESTION OF DISSOLVING THE MUNICIPAL FIRE DEPARTMENT AND ANNEXING TO A RURAL FIRE DISTRICT FOR FIRE PROTECTION SERVICES; REQUIRING A MUNICIPAL GOVERNING BODY AND A RURAL FIRE DISTRICT GOVERNING BODY TO AGREE TO SUBMIT THE QUESTION TO THE ELECTORS; REQUIRING A PLAN FOR DISSOLUTION OF THE MUNICIPAL FIRE DEPARTMENT AND THE ANNEXATION TO THE RURAL FIRE DISTRICT; REQUIRING NOTICE AND A PUBLIC HEARING; AND AMENDING SECTIONS 7-2-4734, 7-33-2128, AND 7-33-4101, MCA.

[Senate Bill 72](#) – Died in Standing Committee -- ACT CREATING A PRESUMPTION IN FAVOR OF FIREFIGHTERS FOR CERTAIN DISEASES; ESTABLISHING CONDITIONS, APPLICABLE FACTORS, AND PROCESS FOR REBUTTAL; FUNDING PRESUMPTIVE DISEASE BENEFITS; PROVIDING RULEMAKING AUTHORITY; PROVIDING FOR TRANSFERS; AMENDING SECTION 50-3-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE EFFECTIVE DATES.

2015

[House Bill 555](#) – Chapter Number Assigned -- AN ACT INCREASING THE ALLOWANCE THAT MAY BE PAID TO VOLUNTEER FIREFIGHTERS; AND AMENDING SECTION 19-17-110, MCA.

[Senate Bill 103](#) -- Missed Deadline for General Bill Transmittal -- AN ACT ESTABLISHING A PRESUMPTION UNDER THE WORKERS' COMPENSATION LAWS IN FAVOR OF PROFESSIONAL FIREFIGHTERS FOR CERTAIN DISEASES; ESTABLISHING CONDITIONS, APPLICABLE FACTORS, AND TERMS FOR INSURER REBUTTAL; PROVIDING FOR A SEPARATE RATING CLASSIFICATION CODE; AMENDING SECTIONS 39-71-116 AND 39-71-2316, MCA; AND PROVIDING EFFECTIVE DATES."

[Senate Bill 415](#) – Missed Deadline for Revenue Bill Transmittal -- AN ACT CREATING A PRESUMPTION IN FAVOR OF FIREFIGHTERS FOR CERTAIN DISEASES; ESTABLISHING CONDITIONS, APPLICABLE FACTORS, AND PROCESS FOR REBUTTAL; FUNDING PRESUMPTIVE DISEASE BENEFITS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 50-3-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2013

[House Bill 416](#) – Chapter Number Assigned -- AN ACT INCREASING THE PENSION BENEFIT AMOUNT THAT THE BOARD OF TRUSTEES OF A FIRE DEPARTMENT RELIEF ASSOCIATION MAY SET FOR MEMBERS OF THE ASSOCIATION WHO ARE VOLUNTEERS; AMENDING SECTION 19-18-602, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill 451](#) – Chapter Number Assigned -- AN ACT REVISING LAWS GOVERNING FIREWARDENS; ALLOWING FOR APPOINTMENT OF A COUNTY FIREWARDEN; ESTABLISHING A COUNTY FIREWARDEN'S DUTIES; REMOVING COUNTY CONFIRMATION OF FIREWARDENS APPOINTED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AND AMENDING SECTION 76-13-104, MCA.

[House Bill 476](#) – Died in Standing Committee -- AN ACT PROVIDING A COST-OF-LIVING ADJUSTMENT TO BENEFITS PROVIDED IN THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill 54](#) – Died in Process -- AN ACT REQUIRING WORKERS' COMPENSATION COVERAGE FOR VOLUNTEER FIREFIGHTERS; ~~REQUIRING EACH COUNTY GOVERNING BODY TO ESTABLISH A FUND FOR PAYING VOLUNTEER FIREFIGHTERS' WORKERS' COMPENSATION PREMIUMS; ALLOWING COUNTY GOVERNING BODIES TO IMPOSE A PERMISSIVE LEVY FOR PAYMENT OF PREMIUMS FOR VOLUNTEER FIREFIGHTERS; EXCLUDING CERTAIN CITIES FROM THE PROPERTY TAX PERMISSIVE LEVY FOR VOLUNTEER FIREFIGHTERS' WORKERS' COMPENSATION;~~ REVISING PREMIUM AND BENEFIT PROVISIONS FOR VOLUNTEER FIREFIGHTERS AND CERTAIN VOLUNTEER EMERGENCY MEDICAL TECHNICIANS; SUPERSADING THE UNFUNDED MANDATE LAWS; AMENDING SECTIONS 7-6-621, ~~7-33-2109, 7-33-2209, 7-33-2403, 7-33-4111, 15-10-420,~~ 39-71-118, 39-71-123, AND 39-71-401, MCA; AND PROVIDING AN EFFECTIVE DATE.

2011

[House Bill 552](#) – Chapter Number Assigned -- AN ACT REVISING WORKERS' COMPENSATION LAWS RELATED TO CERTAIN PUBLIC SAFETY VOLUNTEERS; ALLOWING LEVIES USED TO FUND PUBLIC SAFETY VOLUNTEERS' DISABILITY INCOME INSURANCE TO BE USED ALTERNATIVELY FOR WORKERS' COMPENSATION COVERAGE; PROVIDING COVERAGE FOR VOLUNTEER EMERGENCY MEDICAL SERVICE PROVIDERS UNDER CERTAIN CONDITIONS; AMENDING SECTIONS 7-6-621, 7-33-2109, 7-33-2209, 7-33-2403, 7-33-4109, 7-33-4111, 7-34-102, 39-71-118, AND 39-71-123, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill 231](#) – Died in Standing Committee -- AN ACT REVISING REQUIREMENTS FOR FIRE DEPARTMENTS IN CITIES AND TOWNS; REMOVING THE REQUIREMENT THAT CERTAIN CITIES AND TOWNS HAVE PAID FIRE DEPARTMENTS; ALLOWING A CITY OR TOWN TO CHOOSE HOW IT PROVIDES FIRE PROTECTION; REMOVING REFERENCES TO CITY OR TOWN CLASSIFICATION WITH REGARD TO FIRE DISTRICTS AND FIREFIGHTER RETIREMENT; AND AMENDING SECTIONS 7-33-2101, 7-33-2102, 7-33-2104, 7-33-2120, 7-33-2125, 7-33-2128, 7-33-4101, 7-33-4102, 7-33-4109, 7-33-4128, 7-33-4130, 19-13-102, 19-13-104, 19-13-210, AND 19-17-102, MCA.

[House Bill 346](#) – Died in Standing Committee -- AN ACT ALLOWING THE BOARD OF TRUSTEES OF A FIRE DEPARTMENT RELIEF ASSOCIATION TO EXCEED THE EXISTING CAP ON A MONTHLY PENSION FOR A VOLUNTEER FIREFIGHTER IF THE ASSOCIATION'S FUND IS SOUNDLY FUNDED OR ACTUARIALLY SOUND; AND AMENDING SECTION 19-18-602, MCA.

[House Bill 505](#) – Died in Committee -- ACT ESTABLISHING A PRESUMPTIVE DISEASE FOR WORKERS' COMPENSATION CLAIMS FOR CERTAIN DISEASES EXPERIENCED BY FIREFIGHTERS; PROVIDING CONDITIONS AND A REBUTTABLE PRESUMPTION; AMENDING SECTIONS 39-71-116 AND 39-71-119, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Prepared By:

Toni Henneman, Research Analyst
Office of Research and Policy Analysis