

RURAL 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: Unincorporated lands in Montana are protected using various fire protection options including rural fire districts, fire protection, fire companies, and fire control crews. The following table illustrates the differences between these distinctions:

Service Type	Statutory Authority	Detail
Rural Fire Districts	7-33-2101 and 2105 , MCA	These have governing body status and may request property tax levies.
Volunteer Fire Departments	7-33-21 through 24 or 41	These can service any area and can also supplement paid protection in municipalities
Fire Services Areas	7-33-2401 , MCA	Created by county commissioners upon petition of at least 30 property owners in the service area and public comment. County sets rates. Service may be by adjacent fire department or the service area itself.
Volunteer Fire Companies	7-33-2311 , MCA	Unincorporated towns – basically private entities that may be created by a group of

		individuals or by a fire district or by a county governing body (no taxing authority)
Volunteer Rural Fire Control Crew	7-33-2201 , MCA 7-33-2202 , MCA	May offer rural land (not structure) protection. County commissioners appoint rural fire chief and either provide direct fire protection for areas not under wildland fire protection or contract for wildland fire protection.

It is worth noting that rural fire protection is not wildland fire protection, although the two often coincide. The Department of Natural Resources and Conservation (DNRC) manages wildland fire protection while local governments manage rural fire protection.

Recent legislation focused on funding issues, such as combining small rural districts, consolidating small rural districts with a larger municipality, or relying on insurers to compensate districts for services. Many fire districts in the state struggle to enlist and retain volunteer firefighters, resulting in legislation addressing concerns such as workers compensation and defining presumptive diseases for workers compensation. Since rural districts rely heavily on volunteer firefighters, they often feel the brunt of the reduction in volunteers and elevated conversations about other volunteer benefits.

Legislative Services Division Materials:

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

[Price of Flame](#), Final Report of the Fire Suppression Interim Committee September 2009 (Report on Wildland Fire Protection, not necessarily Rural Fire Protection)

Other Materials:

[Montana DNRC Fire and Aviation Management Bureau Manual, Section 605, Rural Fire Districts](#)

[Fire Protection in Montana](#), Report of Fire Protection Types, Harold Blattie, Montana Association of Counties, 2011

[Sample DNRC/County Cooperative Agreement](#), DNRC/Musselshell County

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

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

Introduced Legislation

2019

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

[HB 31](#) - Died in Process - AN ACT REVISING LAWS RELATED TO FIRE ASSESSMENT FEES; ASSESSING FEES TO LAND OUTSIDE OF MUNICIPALITIES FOR WILDLAND FIRE PROTECTION PREPAREDNESS AND AVIATION EQUIPMENT REPLACEMENT; PROVIDING DEFINITIONS; AMENDING SECTIONS 7-33-2202, 7-33-2210, 76-13-102, 76-13-103, 76-13-104, 76-13-105, 76-13-108, 76-13-110, 76-13-111, 76-13-115, 76-13-117, 76-13-121, 76-13-126, 76-13-140, 76-13-201, 76-13-202, 76-13-206, 76-13-207, 76-13-209, 76-13-210, AND 76-13-212, MCA; REPEALING SECTIONS 76-13-107, 76-13-203, 76-13-204, 76-13-205, 76-13-208, AND 76-13-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 17](#) - Died in Process - AN ACT AUTHORIZING CREATION OF REGIONAL FIRE PROTECTION SERVICE AUTHORITIES; REQUIRING A REGIONAL FIRE PROTECTION SERVICE AUTHORITY PLAN; REQUIRING A PUBLIC HEARING AND ELECTION TO ESTABLISH AN AUTHORITY; ESTABLISHING THE POWERS AND DUTIES OF AN AUTHORITY; ALLOWING CERTAIN AREAS TO BE ANNEXED, WITHDRAWN, OR DETRACTED FROM AN AUTHORITY; ALLOWING AN AUTHORITY TO MAKE ASSESSMENTS OR IMPOSE FEES FOR THE OPERATION OF THE AUTHORITY; ALLOWING FOR A BENEFIT CHARGE ON PERSONAL PROPERTY AND IMPROVEMENTS LOCATED IN AN AUTHORITY; LIMITING THE LIABILITY OF REGIONAL FIRE PROTECTION SERVICE AUTHORITIES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 7-3-1345, 7-4-2711, 7-6-204, 7-33-2108, 7-33-2110, 7-33-2202, 7-33-2208, 7-33-2316, 7-33-2405, 7-33-4101, 7-33-4110, 7-33-4112, 7-33-4510, 10-3-209, AND 19-17-102, 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 492](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS GOVERNING CONSOLIDATION OF FIRE DISTRICTS AND FIRE SERVICE AREAS; PROVIDING FOR CONSOLIDATION OF A FIRE DISTRICT AND FIRE SERVICE AREA TO CREATE A NEW FIRE SERVICE AREA; AND AMENDING SECTIONS 7-33-2120 AND 7-33-2401, MCA.

[House Bill 4 \(Special Session\)](#) – Died in Process -- AN ACT REVISING LAWS RELATED TO FIRE ASSESSMENT FEES; ASSESSING FIRE ASSESSMENT FEES TO LAND OUTSIDE OF MUNICIPALITIES AND CERTAIN CONSOLIDATED GOVERNMENTS; DEFINING TERMS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 7-33-2202, 7-33-2210, 76-13-102, 76-13-103, 76-13-104, 76-13-105, 76-13-107, 76-13-108, 76-13-111, 76-13-115, 76-13-117, 76-13-121, 76-13-126, 76-13-140, 76-13-201, 76-13-202, 76-13-207, 76-13-209, 76-13-210, AND 76-13-212, MCA; REPEALING SECTIONS 76-13-203, 76-13-204, 76-13-205, 76-13-206, 76-13-208, AND 76-13-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill 481](#) – Died in Standing Committee -- AN ACT REVISING WILDFIRE INITIAL ATTACK AUTHORITY; ALLOWING COUNTY GOVERNING BODIES TO AUTHORIZE WILDFIRE INITIAL ATTACK ON ALL LANDS WITHIN THE COUNTY REGARDLESS OF OWNERSHIP; REQUIRING THE GOVERNING BODY TO PROVIDE NOTIFICATION; PROVIDING FOR COMPENSATION TO THE COUNTY FOR COSTS INCURRED IN INITIAL ATTACK ACTIVITIES; AND AMENDING SECTIONS 7-33-2202, 7-33-2209, AND 76-13-105, MCA.

2015

[House Bill 504](#) – Chapter Number Assigned -- AN ACT REVISING LAWS GOVERNING RURAL FIRE DISTRICTS AND FIRE SERVICE AREAS; ALLOWING FOR CONSOLIDATION OF RURAL FIRE DISTRICTS AND FIRE SERVICE AREAS TO CREATE A NEW RURAL FIRE DISTRICT; REQUIRING A PLAN OF CONSOLIDATION TO STATE IF THERE WILL BE MUTUAL ASSUMPTION OF INDEBTEDNESS; CLARIFYING MILL LEVY AUTHORITY; PROHIBITING CONSOLIDATION IF THE GOVERNING BOARDS DO NOT AGREE ON ASSUMPTION OF INDEBTEDNESS; AMENDING SECTIONS 7-33-2120 AND 7-33-2401, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill 303](#) – Missed Deadline for Revenue Bill Transmittal -- ACT ALLOWING THE GOVERNING BODY OF A RURAL FIRE DISTRICT TO CHARGE AN INSURER FOR SAFETY SERVICES PROVIDED BY FIRE DISTRICT PERSONNEL; AND AMENDING SECTIONS 7-33-2105 AND 7-33-2109, MCA.

2013

[Senate Bill 201](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO WILDLAND FIRE; FINDING THAT CATASTROPHIC WILDLAND FIRE HAS THE POTENTIAL TO JEOPARDIZE MONTANANS' CONSTITUTIONAL RIGHT TO A CLEAN AND HEALTHFUL ENVIRONMENT; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ADVOCATE FOR AUTHORITY TO ENGAGE IN FOREST MANAGEMENT ACTIVITIES TO REDUCE FIRE RISK AND INTENSITY ON FEDERALLY MANAGED LAND LOCATED WITHIN THE WILDLAND-URBAN INTERFACE; AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE ATTORNEY

GENERAL TO INTERVENE IN CERTAIN LITIGATION OR APPEALS; AND AMENDING SECTIONS 76-13-104 AND 76-13-115, MCA.

2011

[House Bill 508](#) – Chapter Number Assigned -- AN ACT REVISING COMPENSATION FOR RURAL FIREFIGHTERS; PROVIDING PAYMENT OF A PARTIAL SALARY TO RURAL FIREFIGHTERS WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND LIMITING THE PAYMENT OF THE PARTIAL SALARY TO FULL-PAID EMPLOYEES UNDER CERTAIN CIRCUMSTANCES.

[House Bill 150](#) – Died in Standing Committee -- ACT REQUIRING THE TRUSTEES OF A FIRE DISTRICT TO PREPARE AND SUBMIT TO THE BOARD OF COUNTY COMMISSIONERS AN ANNUAL REPORT; REQUIRING THAT THE REPORT CONTAIN CERTAIN INFORMATION; AND AMENDING SECTION 7-33-2105, MCA.

[House Bill 505](#) – Died in Committee -- AN 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.

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