

2017-18 LOCAL GOVERNMENT INTERIM COMMITTEE

SJ21: EMS AND VOLUNTEER FIRE SERVICES

Types of Fire Protection-Related Entities in Montana			
Service Type	Known Numbers	Required to Provide Workers' Compensation	Of Which: Provide Emergency Care
Paid Government Departments (Required for all cities, but cities of third class may contract or consolidate with another fire protection provider. Governed by 7-33-4101 and 7-33-4109 , MCA.)	12 Cities of First or Second Class	Yes, because they are employees defined in 39-71-118 (1)(a), MCA.	At least 10 – based on data of those licensed for emergency medical services.
Paid /Volunteer Providers Mixed (with emergency medical service license)	9 services	Yes, if covered under 39-71-118 (1)(g) and if they meet the description in 7-33-4109 , MCA.	Data source was those who are licensed as emergency services.
Rural Fire Districts 7-33-2101 and 7-33-2105 , MCA (These have governing body status and may request property tax levies.)	199 (179 listed by Dept. of Administration)	Only if they contract with a fire department or fire company that provides workers' compensation.	NA
Volunteer Fire Departments (May be formed under Title 7, chapter 33, parts 21 through 24 or 41, MCA.)	94 (includes volunteer municipal fire depts.)	May purchase disability income insurance, which 7-6-621 , MCA, states is NOT workers' compensation; voters may adopt a levy for work comp. Does not apply to a volunteer fire department listed in 7-33-4109 , MCA (cities of second class).	24 fire departments or jurisdictions are licensed to provide emergency medical services.
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.	36 (32 listed by Dept. of Administration)	Only if they contract with a fire department or fire company that provides workers' compensation.	The FSA in Three Forks has a license to provide emergency medical services.
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.)	35	No – status of volunteer means workers' compensation is not required. Also, statutes do not apply to volunteer companies in unincorporated towns and villages.	NA
Volunteer Rural Fire Control Crew (may offer rural land (not structure) protection under 7-33-2201 , MCA. County commissioners appoint rural fire chief and either provide direct fire protection for areas not under wildland		If county appoints volunteer rural fire control crews, the members are volunteers, not paid, and therefore do not have to be covered by workers' compensation insurance.	NA

fire protection or contract for wildland fire protection (7-33-2202 , MCA)			
<p>Fire Relief Associations (Authorized under Title 19, chapter 18, MCA for incorporated city or town fire departments. Allows formation of disability and pension fund.)</p>	<p>90 listed but 85 cities and towns in 2017 that received money.</p>	<p>Serves as an alternate or perhaps a substitute for workers' compensation but statute fix may be needed for uses in 19-18-601, MCA. Current uses are for disability or pension. Amount is equal to 1.5 mills of total taxable value of the city or town and is paid out of the general fund as provided in 19-18-512, MCA.</p> <p>Under 19-18-203, MCA, the fund is restricted. May need to be amended to allow workers' compensation, which is allowed elsewhere.</p>	<p>No tie between Fire Relief Association and emergency medical services.</p>
<p>Sources: Harold Blattie, "Fire Protection in Montana", presentation to committee July 2017, Montana League of Cities and Towns for list of cities of first and second classes, State Auditor's Office for list of Fire Relief Associations, Department of Public Health and Human Services for links between fire departments and emergency medical services.</p>			