

MONTANA DNRC



Forestry Division

Fire and Aviation

Management Bureau

DNRC 600 MANUAL

SECTION 606

Volunteer Fire Companies

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ANNEX A – SAMPLES

Sample A:	Certificate of Organization (Volunteer Fire Company).
Sample B:	Firefighter Agreement.
Sample C:	Annual Certificate of Eligibility
Sample D:	Doing a Budget.
Sample E:	Mutual Aid Agreement

ANNEX B – ATTACHMENTS

Attachment 1: MCA 7-33-2311 Authorization of Volunteer Fire Companies.

Attachment 2: Fire Districts.

Attachment 3: Volunteer Firefighters Compensation Act MCA 19-17-101.

Attachment 4: Volunteer Fire Act Grant.

Attachment 5: MCA 7-33024 Fire Service Area.

Attachment 6: Public Safety Officers Benefit Act.

Attachment 7: In Case of Firefighter Death.

606 VOLUNTEER FIRE COMPANIES

A. AUTHORIZATION OF VOLUNTEER FIRE COMPANIES

Attachment #1 covers the legislative aspects relating to fire companies. **MCA 7-33-2311** (1) (2) states specifically:

(1) Fire companies in unincorporated towns and villages are organized by filing with the county clerk of the county in which they are located a certificate in writing, signed by the presiding officer and secretary, providing the date of organization, name, officers, and roll of active and honorary members or a copy of the certificate provided for in 19-17-402. The certificate and filing must be renewed annually on or before September 1. (2) A fire company is not allowed more than 28 certificate members.

Fire companies, organized by simply filing with the county clerk, exist in a less structured legal environment than do fire districts, which need to petition the board of county commissioners. Another big difference is that fire companies operate without tax support, owing their existence almost totally to donations of money, materials and manpower. In this respect, they are also less restricted in their ability to accept unsolicited aid.

It should be pointed out that some confusion exists over the names volunteer fire companies, volunteer and rural fire departments, rural fire districts and municipal fire departments. Technically, fire companies are formed in unincorporated places by filing a Certificate of Organization (**see Sample A**) with the county clerk. Rural fire districts and county governing bodies can also form fire companies. Rural fire districts are also formed in unincorporated areas, though by petitioning the board of county commissioners. Districts usually are operated by a board of trustees and are funded by a tax levy (**see Attachment #2**). In addition, every incorporated city or town must have a fire department, referred to as a municipal fire department (**MCA 7-33, Part 41**). In first- and second-class cities, this must be a paid department. **MCA 7-1 Part 41** defines first-class cities as those municipalities with 10,000 or more population, and second-class cities as those with less than 10,000 but more than 5,000. (**Note:** Cities with less than 7,500 and more than 5,000 can resolve to be second- or third-class cities.) Paid departments in second-class cities may also form a volunteer fire department, whose members work for the fire chief of the municipal department. Cities and towns without a paid fire department can also form volunteer fire departments. For purposes of this text, volunteer fire companies will be used throughout.

B. ORGANIZATION OF VOLUNTEER FIRE COMPANIES

A vital first step in forming a fire company is to have a meeting of the community. This helps generate and gauge interest as well as to identify a core group of people willing to serve, either as company officers or certificate members (firefighters). If enough interest is shown, a Certificate of Organization (**see Sample A**), can be obtained and completed. As a minimum, fire companies organized pursuant to **MCA 7-33-2311** must choose a

foreman, who is the presiding officer; a secretary; and a treasurer. Listed on this certificate, in addition to the above, are all active members of the fire company.

1. **Guideline for Organizing a Fire Company**

- Hold a meeting of the community.
- Choose a foreman, a secretary and a treasurer.
- File a Certificate of Organization.
- Adopt organizational constitution and by-laws.
- Elect other officers (minimum of fire chief).
- Secure a building to store a fire engine.
- Buy, build or borrow a fire engine and complement to basic National Fire Protection Association (NFPA) or Northern Rockies Coordinating Group (NRCG) standards. (**Basic list appears under Providing Equipment, page 606-6**) Check NFPA or NRCG publications or the internet for specifics.
- Provide a minimum of 30 hours of approved training per year per firefighter.
- Obtain protective clothing for volunteers (boots, coat, trousers, helmet and gloves) to NFPA or NRCG standards.
- Obtain adequate insurance coverage for firefighters, equipment and station.

Note: Questions on training should be addressed to the proper organizations and contacts which are listed at the end of this section. Also, this is a good time to make reference to some legal aspects of organizing a company. At some point the question of liability and insurability of the fire company, its officers and members should be addressed. Some ideas and answers are offered under **4. Legal Responsibilities** and **5. Insurance Programs** under **C. Operation of a Volunteer Fire Company (pages 606-9 and 606-10).**

2. **Election of Officers**

A chief of the fire company should be the first fire (line) officer chosen. In most small companies, this person must be all things for all occasions. But as the fire company grows or its responsibility increases, other line officers should be elected. A training officer who can plan and carry out a continuous process of education for the members is a vital addition. An assistant chief, one who can take over in the chief's absence, should be elected at this time. Other officers to be elected or appointed by the chief as the need arises are safety officer, fire marshal (investigator) and prevention officer. A captain should also be elected for each piece of apparatus within the company.

3. **Duties of Membership**

Being a member of a fire company means accepting a responsibility to protect the lives and property of neighbors and friends (**see Sample B**). To do this, people need to become trained in the most effective aspects of fire suppression and rescue. They also need to learn to operate the equipment that the company possesses, in the manner prescribed by a standard operating procedure (SOP) (**see Sample C**). Understanding and implementing any by-laws the company has adopted is also vital.

Volunteers may be called on to respond to emergencies at any time of the day or night. This could entail leaving their place of employment during working hours. Most employers in smaller towns are understanding, as the fire company might have to respond to their home or business. All this may seem like a lot to ask of volunteers, though most accept the challenge.

Depending on the number of incidents experienced by a fire company, the demands on a volunteer's time can vary dramatically. Maintaining proficiency by periodic training sessions also takes a large chunk of free time. Volunteers should be prepared for this time commitment. We are also seeing a demand for emergency medical services, rescue and hazardous materials responses being placed on traditional fire service organizations.

4. **Exempt Firefighters**

Every firefighter who has served five (5) years in an organized fire company of this state is an exempt firefighter and as such is entitled to receive a certificate to that effect, signed by the chief and countersigned by the secretary. This is covered more in **MCA 7-33-2314** and **2315**. This certificate exempts the holder from military duty except during war, invasion or insurrection. It also is an exemption from poll tax, road tax and head tax of every description.

5. **Duties of the Chief**

The duties of the chief were substantially expanded and formalized by the 2007 Legislature and are spelled out in **MCA 7-33-2313**. The three important duties for the purposes of this discussion are to:

- a. Attend all fires and inquire into the cause of said fire occurring in the town in which he/she is chief.
- b. Devise and formulate, or cause to be devised and formulated, a course or plan of instruction to provide no less than 30 hours of training per year in matters pertaining to firefighting.
- c. On or before September 1st of each year, he/she must submit an Annual Certificate of Eligibility (**see Sample C**) stating whether or not the company qualified under **MCA 19-17-101 (4) (Attachment #3)**. One

certificate goes to the County Clerk & Recorder, and a slightly different form goes to the Health Care and Benefits Division of the State of Montana. This section of Montana Law lists the requirements to be followed by a volunteer fire company and the volunteer firefighter to qualify for a pension. This will be covered under **E. Insurance Programs.**

C. OPERATION OF VOLUNTEER FIRE COMPANIES

Day-to-day and fire ground operations of fire companies vary greatly due to several factors such as:

- Number of Certified Members
 - Maximum of 28.
 - Need minimum number to be effective. Safe accepted practices are taught by DNRC (Wildland) and the Montana Fire Services Training School (structure/haz-mat).
- Number and Type of Equipment or Apparatus
 - How many engines? What are their capabilities?
 - Protective clothing?
 - Self contained breathing apparatus (SCBA)?
- Size of Area Protected
 - Town limits?
 - Half the county? **Note:** One or two school districts are a good-sized area.
- Type of Protection
 - Only wildland fire protection.
 - Only structural protection.
 - Only those who pay (subscription)?
 - Everyone within boundaries?
- Qualifications of Firefighters
 - Training
 - Dedication
 - Physical Abilities
- Variables
 - Topography
 - Water Supply (Hydrants, Lakes, etc.)

Because of the above, demand on individuals in different fire companies can vary greatly. Some things need to be attended to in all organizations:

- Engines all in good shape and ready to go.
- All equipment ready to go and accounted for.
- Firefighters trained and ready to respond.
- Fire hall heated at all times during cold weather.

Following are some specifics of operating a fire company.

1. **Financing a Volunteer Fire Company**

Without a tax base to draw on, fire companies become very creative in raising funds. Everything from bake sales to sponsoring rodeos have been used successfully. Fundraising is a never ending function of a volunteer company because even after they have acquired the basic items, there is maintenance and eventual replacement to plan for. Engines break down and wear out, equipment needs to be updated to keep up with new technology, etc., all requiring some cash outlay. Therefore, besides a chief and training officer, one of the most important positions within the company is usually the secretary/treasurer, these two positions nearly always being combined. Following are some functions related to budgets and financing which need to be done, either by someone in this position or another position:

- Establish a bank account for checking, etc.
- Develop a budget and maintain the books.
- Maintain insurance records for firefighters, equipment and stations.
- Implement fundraising ideas.
- Apply for loans and grants.
- Investigate other sources of funding (**see Attachment #4**).
- Organize volunteer labor whenever possible.
- Maintain meeting minutes and rosters.

One aspect of financing volunteer companies that has been disproved is that only areas with wealth can afford an effective fire organization. Some of the best organizations are in areas with little money, but they have dedicated, resourceful leadership and support. Other ideas on financing will be integrated into specific subject areas.

Note: Those organizations that are most successful stay in the public eye. They involve themselves in parades, cleanup days, fire prevention programs, etc. This helps not only their financing, but also recruitment and retention of firefighters.

2. **Providing Equipment**

Besides firefighters, the next most important part of the fire company is the equipment to fight the fires. This equipment includes apparatus, protective clothing, ladders, hose, axes, etc. Obviously, a fire company doesn't start out completely equipped, but a basic checklist might include the following:

- Pumper or fire engine.
 - Minimum of 300 gallon tank and 500 GPM pump for structure protection with hydrant – 750 gallon tank without.
- Complement of equipment of each fire engine.
 - One 24-foot extension ladder.
 - One 12- to 14-foot roof ladder with hooks.
 - Two 150 foot of 1½ inch hose with combination nozzle.
 - One pick-headed axe.
 - Two portable extinguishers (10 bc CO2 or 20 bc dry chemical).
 - Two electric hand lights.
 - One pike pole.
 - Claw tool.
- Personal equipment.
 - Turnouts for each firefighter, to include a coat, pants, boots, helmet and gloves. Probably need a minimum of four sets, all of which need to meet NFPA (structure) or NWCG (wildland) standards.
 - Self contained breathing apparatus (SCBA).
 - Need at least two, as no one should go in a building alone.
 - Personal Alert Safety System (PASS).
 - Spare SCBA tanks.

It should be pointed out that a fire company, so equipped, can put out a great many fires. They will, however, lose a few others due to lack of additional needed equipment. Following is an expanded list to be added as soon as possible:

- A second engine or a water tender for additional water capacity.
 - A second engine can replace the first if a breakdown occurs or repairs are needed.

- A small 4 x 4 wildland engine (minimum 50 GPM pump and 200- gallon capacity tank).
- Generator and lights for night operations.
- Communications.
 - Between engines and on fire ground.
 - Alert system (pagers, radios, sirens, etc.)
- A chainsaw or rescue saw.
- Exhaust fan for clearing smoke.
- Basic medical aid kit.

Most volunteer companies are not going to go out and purchase all of this brand new. Look around the local area for someone who might have any of these items they would donate. Also, check with other fire departments or fire districts for good used equipment they might be willing to sell or trade. Local government agencies, such as road departments, might have equipment they will be auctioning off. Check with the State Surplus Bureau in Helena, as they often have sales of fire equipment or equipment that can be converted to that use. U.S. Government Agencies (USFS, BIA, BLM, etc.) sometimes put equipment at the disposal of fire organizations they work closely with on wildland fires, through the Department of Natural Resources and Conservation (DNRC). The State of Montana, through DNRC, can work with volunteer fire companies with a “Memorandum of Understanding” or a “Mutual Aid Agreement” where the State and the fire organization have common or adjacent areas of fire protection. Many small fire companies have a wildland fire engine made available through the State/County Cooperative Fire Protection Program which is administered in all 56 counties with equipment provided by DNRC. In addition, **Attachment #4** lists aspects of the Volunteer Fire Assistance grant to which a fire company can apply for funds; one being equipment purchase (see **F. List of Contacts by Subject** for names and contacts). Whole books have been written on fire equipment so the best idea is to study all information available, as other fire organizations what they use and plan for the future.

3. **Recruitment, Training and Retention of Volunteers**

Most volunteer companies start out on a high note, with many volunteers and lots of enthusiasm. The challenge for most is to keep it that way. Remember, the maximum number of certified members for any one company is 28. The problem is usually recruiting a minimum needed to fight fire, not keeping it under the maximum. Some ideas on recruitment of volunteers:

- Keep the organization in a high profile in the community. Get involved with the school programs, parades, etc.
 - Most people want to be a part of a well-thought-of organization.
- Yearly or when needed, advertise for people to apply for membership.
 - Provide beginning classes to train those interested before they are issued gear or respond to fires.
- Provide good training and meaningful work for all.
 - Companies that set high standards for volunteers and then provide the training and opportunity to use it will have an easier time attracting new recruits.

Some of these same ideas work for retention of volunteers as well. In addition, stressing the value and need of firefighting to the community makes people feel good about being a volunteer. Planned get-togethers of firefighters and their families works for some. Good training probably does the most to keep interest up, especially in those companies which do not have a lot of incidents. What is important to remember is that once the organization has a lot of training invested in a volunteer, they should strive just as hard to keep them active as they do to recruit new members.

Following is a list of firefighting basics which should be reviewed continually to keep all volunteers sharp:

- Develop the knowledge, skills, and ability to operate the fire engine, water tenders, etc. **Note:** Special licenses may be required depending on GVW in non-emergency situations.
- How to operate the pump.
- How to most effectively apply water to put out a fire.
- Donning and doffing of SCBA, fire shelters, or other specialized equipment.
- Operation of all other equipment used by the organization on the fire ground. (i.e., ladders, generators, axes, chainsaws, etc.)
- Fire behavior and firefighting tactics.

This should be done in as close to a real situation as possible. If using old houses for training, it might be best to use smoke generating machines for training and save the burning of the building for hose practice from the outside. If a fire is set in the house for training, use of qualified, trained burn instructors is mandatory. Situational training, where volunteers have to meet

standards for time and/or efficiency of an evolution, has great value. Refer to **F. List of Contacts by Subject** for names and addresses of people to contact for information on structure and wildland fire training.

4. **Legal Responsibilities**

As pointed out under **A. Authorization**, volunteer fire companies operate with questionable legal authority; often no formal articles of incorporation are drawn up, no vote needs to be taken, and no petition is signed and presented for approval. Given this background of fire companies, who shoulders the liability when questions about proper procedures arise? The officers and members may be held personally liable. It should be pointed out that volunteers, acting within their capacities and capabilities have seldom, if ever, been successfully sued. A recent bill passed by the Montana Legislature and signed into law (**MCA 27-1-701, 732**) will abolish nuisance civil liability suits against members of certain organizations, but would not protect those same individuals from accountability for negligent actions. Entities need to look at **MCA 27-1-714**, the Good Samaritan Act, and consult their legal advisor for clarification within Montana law.

Whether your fire company has set boundaries or specific areas to which you will provide service, a policy should be publicly stated and well known in the area on your response to such situations. All members should know this policy and their company's boundaries. The general rule is if you start to respond, continue your response; if any actions to suppress the fire are taken, continue to fight the fire until relieved, the fire is out or nothing more can be done. This situation points out the need of most fire organizations today to have agreements for mutual aid with neighboring forces. More about agreements can be found under **D. Agreements of Volunteer Fire Companies on page 606-10**.

5. **Looking Toward the Future**

Now that the fire company has a fire engine, maybe even a second one, and most of the firefighters have protective clothing, the organization looks pretty complete and it's time to relax for awhile? Well, that equipment your company bought is starting to wear out or was nearly worn out when you got it. The Occupational Safety and Health Administration (OSHA) has mandated changes in SCBAs, and the ones you have might not be legal to use. It's time to raise funds again. At this point it might be a good idea to look at creating a rural fire district. A fire district could be the umbrella organization for stabilizing funding and equipment purchase while retaining the fire company for the actual firefighting and equipment maintenance. Apparatus can be updated because payment on bonds and installments can be paid by the annual assessment on the tax levy.

Another point in favor of forming a fire district is to lower the fire rating of an area. Most smaller fire companies have a fire protection rating of 10 (according to the Insurance Services Office – ISO). The ISO rates firefighting capacities of various fire organizations by on the premises testing, and a 10 rating is about equal to no organized fire protection whatsoever. Insurance, if available at all,

would be very expensive. The lower the ISO rating, the cheaper fire insurance will be.

More specific information on how to improve the ISO rating in your area can be obtained by writing the address given in **F. List of Contacts by Subject**. Also, if your company wants more information on forming rural fire districts, you can write to the Department of Natural Resources and Conservation (for address, see **F. List of Contacts by Subject**).

a. **Fire Service Area – (MCA 7-33, Part 24)**

Attachment #5 presents new options for organizing fire protection is the Fire Service Area. This option appears to correct some of the shortcomings associated with fire companies; it is legally formed by petition to the county commissioners, but it only requires signatures of 30 property owners within the proposed area. Once the petition is submitted and certified, the commissioners pass a resolution of intent and hold a hearing. Depending on comments, they can pass the resolution creating the service area. Funds are raised through a special assessment levied annually on structures. This fee can be set or changed by the commissioners. The board of county commissioners may govern and manage the area or appoint a five member board of trustees to do he same. Also, the income of the fire service area can be pledged to secure financing necessary to procure fire equipment and buildings to house apparatus. The main intent of this law seems to be to provide a way that donation type fire organizations (i.e., most volunteer fire companies) can purchase capital equipment by pledging the annual levy for payments on fire engines, loans for building a station, etc... the limited funds that most fire service areas will raise precludes an initial start up organization. This option is better suited to having a fire company in place, with some equipment and a building, but a need to improve one or both. Several departments are going ahead with implementation.

D. **AGREEMENTS OF VOLUNTEER FIRE COMPANIES**

As was mentioned under **(C) 4. Legal Responsibilities**, a Mutual Aid Agreement or Memorandum of Understanding with neighboring fire organizations is essential, even though Montana State law does not require them in order to respond. As the concept of providing fire protection changes from simply squirting water and raising ladders to utilizing all the latest technology that is available, fire organizations have discovered they need help to accomplish the job. It is therefore necessary to form working arrangements with others (fire companies, fire districts, state and federal fire organizations, etc.). A basic mutual aid agreement is available under **Sample E**. The main points of this agreement for fire companies are that:

- Assistance is voluntary.
- Assistance is contingent on ability to send aid.

- Reimbursement for expenses is not always necessary.
 - It is assumed that aid will be rendered on a reciprocal basis.
- Each party waives the right to claims for loss, damage or personal injury.
- The basic concept is protecting and preserving lives and property as a primary goal rather than compliance with the conditions of a contract.
- No liability exists for not responding to a request.

Fire organizations that are authorized and that operate within a more structured environment will sometimes balk at signing agreements with volunteer fire companies. You have to be able to offer something in return; this is *mutual aid*. Perhaps your company can offer manpower when needed or the volunteers have some special training or equipment. Developing good relations with other agencies is important and will be more so in the future.

E. INSURANCE PROGRAMS OF VOLUNTEER FIRE COMPANIES

The first point to bring up is that volunteer firefighters are not covered under Workman's Compensation Insurance, which is for paid employees. Volunteers are eligible for benefits through Public Employees' Retirement System (PERS), a complete assessment of which can be reviewed by referring back to **Attachment #3**. Also, listed in this section are benefits and responsibilities of volunteer fire companies available and required under this section of law. A summary of benefits under PERS follows:

- Pension benefits under PERS basically state that a volunteer firefighter, at least 55 years of age with 20 years of membership in a qualified fire company, is eligible for a pension not to exceed \$200.00 per month.
- Volunteer fire companies who maintain group insurance on account of death or injury incurred by members in performance of their duties are eligible to receive \$75.00 per year per mobile unit (fire engine), not to exceed two units.
- Pension benefits to surviving spouse or children are for a maximum of \$150.00 per month.
- Disability benefits consist of compensation equal to the necessary and reasonable medical expenses resulting directly from the disability and incurred within 36 months from the date of injury. Total compensation may not exceed \$25,000.00. Also, the expense of an artificial member may not exceed \$1,500.00 and can be replaced every five (5) years.
- Death benefits for firefighters whose death occurs in the line of duty shall not exceed the actual necessary amount or \$1,500, whichever is less. Remember that this is coverage under the State of Montana. Volunteers may also be covered under the Public Safety Officer's Benefit Act (federal) program.

Other forms of insurance must be looked at for liability, fire hall and apparatus coverage. Also, additional death and disability benefits are desirable as the amounts available through PERS are far below the actual need; \$25,000.00 would be exhausted rapidly in a serious disability case.

1. **Insurance Availability**

All volunteer fire companies that belong to the Montana Volunteer Firefighters' Association are eligible for group rates on health plans offered through the Eddie Thomas Insurance Agency in Butte. Dues are paid to the Association and the premiums are paid to Eddie Thomas Agency. All fire companies are eligible for the insurance plans, but those not paying dues to the Volunteers' Association would have a different premium assessed (**see F. List of Contacts by Subject below**).

Another place to look for various forms of insurance policies is through a local insurance agent. In fact, a local agent would be a good prospective volunteer member. Always shop around and get several quotes. Check with other fire companies, departments or districts and who they deal with. Finding good coverage at a price your company can afford will probably be the most challenging aspect of operation.

Check also with your County or City Clerk & Recorder for possible coverage under the Montana Association of Counties or Association of Cities and Towns.

2. **Public Safety Officers' Benefit (PSOB) Act**

Included as **Attachment #6** is a copy of benefits available through the PSOB Act. This is something to be aware of in the unfortunate event of a volunteer dying on the scene or later in the hospital. One important note: if a firefighter dies or is hospitalized because of a heart attack while fighting fire, a chemical analysis for absolute levels of carbon monoxide (CO) must be performed. This must be done to prove that high enough (toxic) levels of CO were present to cause a heart attack, as **Attachment #7** points out. These tests have to be done to assure that the claim will not be disallowed.

F. LIST OF CONTACTS BY SUBJECT

Following is a list of names and addresses that can be used to obtain more information on a specific subject.

1. **Equipment Standards**

National Fire Protection Association (NFPA)
Batterymarch Park
Quincy, MA 02269
Phone: (617) 770-3000
Website: www.nfpa.org

2. **Fire Protection Ratings**

Insurance Services Office (ISO)
Commercial Risk Services
1385 South Colorado Blvd.
Suite 225
Denver, CO 80222
Senior Field Rep.: Lyle Koller
Phone: (303) 759-3511

Also: Earl Huestis
Local ISO Representative
Great Falls, MT
Phone: (406) 453-8025

3. **Insurance Availability** – Note: These policies are available through the Montana State Volunteer Firefighters Association, Inc.

EMC Insurance Company
Bismark Branch
1838 E. Interstate Ave.
Bismark, ND 58502
701-223-8986
Website: <http://www.emcins.com/agents/index.htm>

SEE ALSO: Pension Benefits (below)

4. **Legal Responsibilities**

State Fire Marshall's Office
Scott-Hart Building
303 North Roberts, Room 371
Helena, MT 59620
Phone: (406) 444-2050
Website: <http://www.doj.mt.gov/enforcement/fireprevention/default.asp>
Contact: Fire Reporting Forms and Arson Investigation

SEE ALSO: Pension Benefits

5. **Organizations/Associations**

Organization	Website/Contact Information
Montana State Volunteer Firefighters' Association, Inc.	Website: http://www.msvffa.com/
Montana Fire Districts Association	Jim Dusenberry, Pres. (406) 443-4644 jdusenberry@jandtruckrepair.com
Montana State Fire Chiefs Association	Website: http://www.montanafirechiefs.com/

6. **Pension Benefits**

Department of Administration
Public Employees' Retirement Division
1712 Ninth Avenue
Helena, MT 59620
Phone: (877) 275-7372
Website: www.mpera.mt.gov

7. **Tax Information**

a. **Applying for Non-Profit Status**

Secretary of State
Room 225
State Capitol
Helena, MT 59620
Phone: (406) 444-2034
Website: http://sos.mt.gov/About_Office/index.asp

b. **Applying for Tax Exempt Status**

Department of Revenue
Property Assessment Division
State Capitol
Helena, MT 59620
Phone: (406) 444-0811
Contact: Virgil Byford
Website: www.mt.gov/revenue

c. **Applying for Tax Exempt Under the IRS**

Call IRS information
Phone: (800) 424-1040
Specifically, Sec. 501(c)(3) IRS code 1954
Website: www.irs.gov/charities/nonprofits/index.html

8. **Training**

a. **Wildland Fire Training**

Department of Natural Resources and Conservation
Forestry Division, Fire & Aviation Management Bureau
2705 Spurgin Road
Missoula, MT 59801
Phone: (406) 542-4223
Email: www.dnrc.mt.gov/forestry/fire/training/default.asp
Contact: Training Supervisor

b. **Structure Fire Training**

Montana Fire Services Training School
2100 16th Avenue South
Great Falls, MT 59405-4997
Phone: (406) 761-7885
Website: www.montana.edu/wwwfire
Contact: Butch Weedon, Director

c. **Books and Publications**

International Fire Service Training Association (IFSTA)
Oklahoma State University
Fire Protection Publications
Fire Building
Stillwater, OK 74074-0118
Phone: (800) 654-4055
Website: www.ifsta.org

d. **Training in Arson Investigation**

SEE Legal Responsibilities, Fire Marshall's office

SAMPLE B

APPLICATION FOR MEMBERSHIP IN _____ VOL. FIRE DEPARTMENT

NAME _____
(LAST) (FIRST) (MIDDLE INITIAL)

BIRTH DATE _____
(MONTH) (DAY) (YEAR)

ADDRESS _____, MONTANA ZIP _____

OCCUPATION _____ EMPLOYER _____

PLEASE READ THE FOLLOWING:

Our regular meeting night is _____ of each month. Our by-laws require attendance at all regular meetings unless properly excused, because absences without excuses are sufficient to dismiss a member from the Department. If you have regular meetings that will conflict with fire department meetings, or your work is such that it would prevent your attendance and same cannot be changed so that you can regularly attend our meetings, your application will be disapproved.

Consult your employer now so that you will have an understanding concerning your leaving work when summoned to a call by the department. We understand that there are times when it would be impossible to leave your work or business, but as a general rule you should be available 24 hours of the day for emergency work with the department.

There are also fire drills and other work to be done other than at the scene of a fire, and your presence and help will be needed at such sessions.

I have read and completed the above form and believe that I will be able to comply with the constitution and by-laws for the _____ Fire Department.

SIGNED _____ Date _____

Investigating Committee: Have you interviewed this man? His family and his employer? Does he understand what is required of him as a member of the _____ Fire Department?

WE DO _____ DO NOT _____ RECOMMEND THIS MAN/WOMAN FOR MEMBERSHIP IN THE DEPARTMENT.

SIGNED _____ CHAIRMAN

SS # _____

INVESTIGATING COMMITTEE

SAMPLE C

ANNUAL CERTIFICATE

(Volunteer Firefighters' Compensation Act 19-17-101 MCA)

(To be filed on or before September 1st, in the office of the Public Employees' Retirement Division, 1712 Ninth Avenue, Helena, Montana 59620-0131.)

Department Name _____

Mailing Address _____
PO Box or Street City Zip

I, _____, as Chief of the above Volunteer Fire Company/Department, a fire company organized in an unincorporated area, town, or village in the State of Montana, hereby certify as follows:

- (A) That the above Volunteer Fire Company/Department qualified under the provisions of Section 19-17-101, MCA, throughout the fiscal year ending June 30, 20_____.
- (B) That the following members of the above Volunteer Fire Company/Department satisfactorily completed 30 hours of instruction during said fiscal year, under the provisions of Section 19-17-101, MCA.

	Full Name (Alphabetical Order-Please Print)	Birth Date	Month/Year Joined Dept.	Social Security Number
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____

	Full Name (Alphabetical Order-Please Print)	Birth Date	Month/Year Joined Dept.	Social Security Number
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
22.	_____	_____	_____	_____
23.	_____	_____	_____	_____
24.	_____	_____	_____	_____
25.	_____	_____	_____	_____
26.	_____	_____	_____	_____
27.	_____	_____	_____	_____
28.	_____	_____	_____	_____

In witness whereof, I have executed this Certificate this _____ day of _____, 20____.

Chief

STATE OF MONTANA

COUNTY OF _____

_____, being first duly sworn, deposes and says that he is the Chief of the _____ Volunteer Fire Company/Department, that he has read the foregoing Certificate, and that the facts and matters therein stated are true to his best knowledge, information, and belief.

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public for the State of Montana.
Residing at _____ Montana.
My Commission expires _____.

SAMPLE D

INSTRUCTIONS FOR PREPARATION OF BUDGET

I. SALARY & PAYROLL BENEFITS:

Annual Salaries: Amount paid if department employs personnel year round.

Extra Help: Seasonal or part time help.

Social Security & Retirement: Employer has to pay half and withholds half of tax from employee.

Clerical: Pay for keeping records and bookkeeping

Volunteer Pay or Reimbursement: Some places pay for volunteer help. Others reimburse volunteers for costs of cleaning and wear and tear on their own equipment if used at fire or training. NOTE: Check with State Compensation Insurance Fund for Workers' Comp.

II. MAINTENANCE & OPERATIONS

Travel Expense: Pay for using own equipment on fire or expense of administrative travel.

Supplies & Clothing: Cost of necessary supplies and clothing for department.

Chemicals: Cost of fire fighting chemicals.

Truck Maintenance & Repair: Self explanatory.

Gas & Oil: Cost necessary to run department vehicles.

Insurance: Vehicle insurance, volunteer medical insurance, liability insurance, fire insurance, Workers' Compensation Insurance, etc.

Dues, Subscriptions, Examiners Fees, Misc., Etc.: Dues for Volunteer Fireman's Assn., Fire Chiefs Assn., Fire Districts Assn., etc. Subscriptions to Fire Chief, Fire Command, Volunteer Fireman, etc. Examiners' fees for auditing records, misc. items - only purchased when not in other categories.

Conventions & Workshops: Convention expense and training expense.

III. OTHER MAINTENANCE & UTILITIES

Maintenance: Maintenance of buildings and grounds.

Rent: Rent of buildings or equipment.

Utilities: Self explanatory.

IV. CAPITAL OUTLAY (Capital Outlay & Debt Reduction involve County budget laws, so it becomes extremely difficult to discuss in a letter form. Check with the County budgeting director for necessary information.

V. DEBT REDUCTION

PROPOSED BUDGET CATEGORIES ---- FISCAL YEAR

COUNTY _____

EXPENSES

1. Professional Fees & Salaries

- a. Clerk _____
- b. Attorney _____
- c. Fire Marshall _____
- d. Chief _____

TOTAL _____

2. Office Supplies

- a. Postage _____
- b. Printing _____
- c. Reg. Supplies _____
- d. Duplicating _____
- e. Clerk _____

TOTAL _____

3. Heat & Lights

- a. Fuel Oil _____
- b. Electricity _____
- c. Fill Stations _____

TOTAL _____

4. Dispatch & Phone

- a. 911 Fees _____
- b. Fire Phone _____
- c. Business Phone _____

TOTAL _____

5. Repair & Maintenance

- a. Truck _____
- b. Radio _____
- c. Building-Reg. _____
- d. Winterization _____
- e. Rewiring-Code Upgrd. _____
- f. Airpack-Testing _____

TOTAL _____

PROPOSED BUDGET CATEGORIES - FISCAL YEAR

COUNTY _____

EXPENSES (Cont.)

6. Supplies

- a. Truck Fuel _____
- b. Vol. Fuel _____
- c. Lub. & Filters _____
- d. Janitorial _____
- e. Medical Supplies _____
- f. Food at Fires _____
- g. Chemicals _____

TOTAL _____

7. Operating Supplies

- a. Travel _____
- b. Mag., Dues, Etc. _____
- c. Fire Prevention _____
- d. Physical Fitness _____
- e. Training Aids _____
- f. MCA Code Books _____
- g. Photo Supplies _____
- h. Chief's Fund _____
- i. Trustees' Fund _____
- j. Convention Supplies _____
- k. Audit _____

TOTAL _____

8. Insurance

- a. Trucks _____
- b. Building _____
- c. Disability _____
- d. Clerk's Bond _____
- e. Special Insurance _____
- f. Errors & Omissions _____

TOTAL _____

PROPOSED BUDGET CATEGORIES - FISCAL YEAR

COUNTY _____

EXPENSES (Cont.)

9. Lease-Purchase

- a. Truck Contracts _____
- b. New Vehicles _____
- c. Building _____

TOTAL _____

10. Elections

- a. Annual Trustee Election _____

TOTAL _____

11. Capital Outlay

- a. Water Fills _____
- b. Oxy-Acty Set _____
- c. Elec. Welder _____
- d. Drill Press _____
- e. Word Processor _____
- f. Airpacks _____

TOTAL _____

12. Small Assets

- a. Gloves _____
- b. PASS System _____
- c. Clothing (Uniform) _____
- d. Backpack Pumps _____

TOTAL _____

GRAND TOTAL _____

SAMPLE E

Mutual Aid Agreement
Between

The _____
and
The Montana Department of Natural Resources and Conservation
_____ Land Office

This agreement is made and entered into by the _____
_____ (hereinafter referred to as the “_____”) and the
Department of Natural Resources and Conservation (hereinafter referred to as “DNRC”).

WHEREAS, the _____ and DNRC each maintain and operate fire
protection and suppression operations; and,

WHEREAS, it is to the mutual advantage and benefit of the _____
_____ and DNRC to render supplemental assistance in the event of an emergency incident of a
magnitude that has or appears to have developed beyond the control of either party and,
therefore, requires the assistance of the other agency; and,

WHEREAS, it is mutually advantageous for the _____ and DNRC to
render assistance to one another in the suppression and control of fires, fire hazards, and in the
provision of emergency medical services, now therefore

IT IS AGREED as follows:

1. The purpose of the agreement is to allow cooperative fire efforts between the
_____ and DNRC.
2. The DNRC is authorized to enter into cooperative fire agreements with Federal, State,
and local agencies under Montana Code Annotated, sections 76-13-136 and 76-13-202.
The _____ is authorized to enter into mutual-aid agreements under
one of the following sections of the Montana Code Annotated: 7-33-2108, 7-33-2405, 7-
33-4112 or 10-3-202.
3. Upon request to a representative of DNRC, DNRC firefighting resources may be
dispatched to provide aid on initial attack incidents for a duration of no more than _____
consecutive hours per incident, unless otherwise agreed to. These resources will be under
the command of the Incident Commander of the agency having jurisdiction. The DNRC
will determine if the requested resources are available.
4. Upon request to a representative of the _____,
_____ firefighting resources may be dispatched to provide aid on initial
attack incidents for a duration of no more than _____ consecutive hours per
incident, unless the _____ and DNRC otherwise agree. These

resources will be under the command of the Incident Commander of the agency having jurisdiction. The _____ will determine if the requested resources are available.

5. The Incident Commander shall release a responding organization when the services of the responding organization are no longer needed or when the responding organization is needed within the area for which it normally provides fire protection.
6. The _____ agrees to indemnify and hold harmless DNRC from and against any and all claims, demands, and causes of action of any character, including the costs of defense thereof, or other damages to persons, property or entities resulting from the performance of this Agreement, provided such injury or damage is due to the negligent act or omission of the _____ or its employees. To the extent of its liability for negligent acts covered by the Montana Tort Claims Act (Montana Code Annotated sections 2-9-101, et seq.), DNRC agrees to indemnify and hold harmless the _____ from and against any and all claims, demands, and causes of action of any character, including the costs of defense thereof, or other damages to persons, property or entities resulting from the performance of this Agreement, provided such injury or damage is due to the negligent act or omission of DNRC or its employees.
7. The _____ and DNRC shall at all times be solely responsible for providing Workers Compensation Insurance for their respective employees who are assigned to provide mutual-aid assistance pursuant to this Agreement. The parties agree that by providing mutual-aid assistance pursuant to this Agreement, their respective employees will not thereby become employees of the other party.
8. The agency having protection authority on an incident shall be solely responsible for pursuing payment for billable incidents occurring within that agency's jurisdiction. The _____ and DNRC may, in a separate written agreement, agree to the amount each is to be reimbursed for costs incurred during an incident. The _____ and DNRC will not be reimbursed for costs incurred on non-billable incidents during the mutual aid assistance time period.
9. It is mutually agreed that this Agreement may be terminated at any time by the mutual written consent of the _____ and DNRC. In the absence of mutual written consent, any party shall have the right to withdraw from further participation in this agreement at any time upon 60 days written notice to the other party. Any obligations or liabilities incurred during the term of this agreement will survive its termination.
10. Provision of mutual-aid assistance pursuant to this Agreement constitutes the sole consideration for performance of this Agreement. Neither the _____ nor DNRC is obligated to reimburse the other for the use of equipment, material or labor.

11. This Agreement shall remain in full force and effect from the last date of signing, or until terminated pursuant to paragraph nine (9). The term of the Agreement is _____ (_____) years from the date of last signing, with an automatic renewal for the same term if neither of the parties desires to terminate its participation. This agreement shall be reviewed on an annual basis.
12. This Agreement may be modified or amended in writing at any time by the mutual consent of the District and DNRC.

IN WITNESS WHEREOF, this Initial Attack Mutual Aid Agreement is executed on this the _____ day of _____, 20____.

(Inset Name of Entity)

(title)

(title)

Department of Natural Resources and Conservation
_____ Land Office:

_____, Area Manager

ATTACHMENT #1

7-33-2311. Fire companies authorized. (1) Fire companies in unincorporated towns and villages are organized by filing with the county clerk of the county in which they are located a certificate in writing, signed by the presiding officer and secretary, providing the date of organization, name, officers, and roll of active and honorary members or a copy of the certificate provided for in 19-17-402. The certificate and filing must be renewed annually on or before September 1.

(2) A fire company is not allowed more than 28 certificate members.

7-33-2312. Organization of fire company. (1) A fire company organized pursuant to 7-33-2311 shall choose or elect a presiding officer, a secretary, and a treasurer and may establish and adopt bylaws and regulations and impose penalties, not exceeding \$5 or expulsion, for each offense.

(2) A regularly organized fire department may adopt a department seal, stating the name of the particular fire department to which it belongs. The seal is under the control of and for the use of the secretary and must be affixed to exempt certificates, certificates of active membership, and other documents that the bylaws may provide. The secretary of a department having a seal shall take the constitutional oath of office and give a bond that the bylaws provide for the faithful performance of the secretary's duties.

7-33-2314. Certain exemptions for firefighters. The officers and members of regularly organized unpaid fire companies and exempt firefighters are entitled to the following privileges and exemptions:

(1) exemption from payment of poll tax, road tax, and head tax of every description;

(2) exemption from military duty except in case of war, invasion, or insurrection.

7-33-2315. Certificate of membership in fire company. (1) A firefighter who has served 5 years in an organized company in this state is an exempt firefighter and must receive from the chief engineer of the department or company to which the firefighter belonged a certificate to that effect.

(2) (a) An active firefighter must have a certificate of that fact, signed by the chief of the fire department or the presiding officer of the company to which the firefighter belongs. The certificates must be countersigned by the secretary and over the seal of the company, if one is provided.

(b) If authorized by the bylaws of the company, in lieu of issuing certificates to exempt firefighters exempt certificates may be issued by the clerk and recorder of the county, over the clerk's official seal and signature, which entitles the holder to an exemption from military duty.

(3) Each certificate entitles the holder to an exemption from military duty. Each certificate is prima facie evidence of the facts stated in the certificate.

(4) The secretary of the fire department or company shall keep a record of each certificate of exemption or active membership, the date of the certificate and to whom issued, and, when a seal is not provided, similar entries of certificates issued to obtain certificates from the county clerk and recorder.

7-33-2316. Volunteer fire districts or companies -- fire departments -- not affected by city-county

consolidation. (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of this part unless otherwise specifically provided by charter.

(2) No right or benefit of any member of a volunteer fire district, company, or department created pursuant to the provisions of this part in a retirement or pension plan, or payments provided under 19-17-103 may be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter.

ATTACHMENT #2

Part 21 Rural Fire Districts

7-33-2101. Rural fire districts authorized -- petition. (1) The board of county commissioners is authorized to establish fire districts in any unincorporated territory or, subject to subsection (2), incorporated third-class city or town upon presentation of a petition in writing signed by the owners of 40% or more of the real property in the proposed district and owners of property representing 40% or more of the taxable value of property in the proposed district.

(2) (a) Third-class cities and towns may be included in the district upon approval by the city or town governing body.

(b) A third-class city or town may withdraw from a district 2 years after providing to the board of county commissioners notice of intent to withdraw.

7-33-2102. Notice of hearing. The board shall, within 10 days after the receipt of the petition, give notice of the hearing at least 10 days prior to the hearing:

(1) by mailing a copy of the notice as provided in 7-1-2122 or as provided in 7-1-4129 if the proposed district or a portion of the proposed district is in an incorporated third-class city or town to each registered voter and real property owner residing in the proposed district; and

(2) by publishing the notice as provided in 7-1-2121 or as provided in 7-1-4127 if the proposed district or portion of the proposed district is in an incorporated third-class city or town.

7-33-2103. Hearing on petition -- decision. (1) (a) The board shall hear the petition at the time set or at any time within 5 days of the time set if reasonable notice of the postponement is given. The board may establish the district unless it determines that the petition bears insufficient signatures or, if originally sufficient, that by reason of written withdrawals of signatures it has become insufficient.

(b) Signatures may not be withdrawn fewer than 20 days before the date set for adoption of the petition.

(2) The board may adjust the boundaries of the proposed district to reflect the written request of any real property owner who resides in the proposed district for subtraction or annexation of parcels of the property owner's land adjacent to the boundary line of the proposed district. The written request must be submitted to the board prior to or on the date set for hearing on the petition.

(3) The board shall render its decision within 30 days after the hearing.

7-33-2104. Operation of fire districts. When a board of county commissioners establishes a fire district in any unincorporated territory or incorporated third-class city or town, the commissioners:

(1) may contract with a city, town, private fire company, or other public entity to furnish all fire protection services for property within the district; or

(2) shall appoint five qualified trustees to govern and manage the fire district.

7-33-2105. Powers and duties of trustees. (1) The trustees:

(a) shall prepare and adopt suitable bylaws;

(b) have the authority to provide adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities, including real property and emergency medical services and equipment, for the protection of the district;

(c) may appoint and form fire companies that have the same duties, exemptions, and privileges as other fire companies for retirement purposes only;

(d) shall prepare annual budgets and request special levies for the budgets. The budget laws relating to county budgets must, as far as applicable, apply to fire districts.

(e) may enter into contracts as provided in 7-33-2107; and

(f) may pledge income to secure financing of the district as provided in 7-33-2109.

(2) All money received by the trustees must be deposited in the county treasurer's office and credited to the fire district.

7-33-2106. Details relating to board of trustees of fire district. (1) (a) The five trustees initially appointed by the county commissioners hold staggered terms of office until their successors are elected or appointed and qualified as provided in this section.

(b) The initial trustees' terms of office must be drawn by lot and include:

- (i) 3 years for one trustee;
- (ii) 2 years for two trustees; and
- (iii) 1 year for two trustees.

(c) Upon expiration of the terms provided in subsection (1)(b), each trustee shall serve a 3-year term of office.

(2) Trustees must be elected as provided in 13-1-104(3), 13-1-401, and subsection (3) of this section or appointed as provided in subsection (4) of this section. The term of office is 3 years beginning at the first district meeting following their election or appointment and continuing until their successors are elected or appointed and qualified. Appointments to fill vacancies occurring during the term of office of a trustee must be made by the county governing body and appointees shall hold office until the next regular election. An elector, as defined in Title 13, who resides in the district or any holder of title to lands within the district who presents a proof of payment of taxes on the lands at the polling place is eligible to vote in the election.

(3) Candidates for the office of trustee of the fire district to be filled by election may be nominated by petition filed with the election administrator or deputy election administrator at least 75 days before the election day and signed by at least five electors of the district.

(4) If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing body shall declare elected by acclamation each candidate who filed a nominating petition for a position. If a nomination is not made for one or more trustee offices, the county governing body shall appoint one or more trustees as necessary to fill those offices. A trustee taking office pursuant to this subsection serves the trustee term of office as if that trustee had been elected.

(5) The trustees shall organize by choosing presiding officers and appointing one member to act as secretary.

7-33-2107. Contracts for fire protection services. (1) The trustees of a fire district may enter into contracts for fire protection services.

(2) All money received from contracts must be deposited in the county treasurer's office and credited to the fire district fund holding the contracts.

(3) The relationship between the fire district and the entity with which the district has contracted is that of an independent contractor.

7-33-2108. Mutual aid agreements -- request if no agreement exists -- definitions. (1) A mutual aid agreement is an agreement for protection against disasters, incidents, or emergencies.

(2) Fire district trustees may enter mutual aid agreements with the proper authority of:

- (a) other fire districts;
- (b) unincorporated municipalities;
- (c) incorporated municipalities;
- (d) state agencies;
- (e) private fire prevention agencies;
- (f) federal agencies;
- (g) fire service areas;
- (h) governing bodies of other political subdivisions in Montana; and
- (i) governing bodies of fire protection services, emergency medical care providers, and local government subdivisions of any other state or the United States pursuant to Title 10, chapter 3, part 11.

(3) If the fire district trustees have not concluded a mutual aid agreement, then the trustees, a representative of the trustees, or an incident commander may request assistance pursuant to 10-3-209.

(4) As used in this section, "incidents", "disasters", and "emergencies" have the meanings provided in 10-3-103.

7-33-2109. Tax levy, debt incurrence, and bonds authorized -- voted levy for volunteer firefighters' disability income coverage. (1) At the time of the annual levy of taxes, the board of county commissioners may, subject to 15-10-420, levy a tax upon all property within a rural fire district for the purpose of buying or maintaining fire protection facilities, including real property, and apparatus, including emergency response apparatus, for the district or for the purpose of paying to a city, town, or private fire service the consideration provided for in any contract with

the council of the city, town, or private fire service for furnishing fire protection service to property within the district. The tax must be collected as are other taxes.

(2) Subject to 15-10-425, the board of county commissioners may levy a tax upon all taxable property within a rural fire district for the purpose of purchasing disability income insurance coverage for the volunteer firefighters of the district as provided in 7-6-621.

(3) The board of county commissioners or the trustees, if the district is governed by trustees, may pledge the income of the district, subject to the requirements and limitations of 7-33-2105(1)(d), to secure financing necessary to procure equipment and buildings, including real property, to house the equipment.

(4) In addition to the levy authorized in subsection (1), a district may borrow money by the issuance of bonds to provide funds for the payment of all or part of the cost of buying or maintaining fire protection facilities, including real property, and apparatus, including emergency response apparatus, for the district.

(5) The amount of debt incurred pursuant to subsection (3) and the amount of bonds issued pursuant to subsection (4) and outstanding at any time may not exceed 1.1% of the total assessed value of taxable property, determined as provided in 15-8-111, within the district, as ascertained by the most recent assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

(6) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for the issuance of bonds by counties under Title 7, chapter 7, part 22.

7-33-2110. Volunteer fire districts or companies -- fire departments -- not affected by city-county

consolidation. (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of this part unless otherwise specifically provided by charter.

(2) No right or benefit of any member of a volunteer fire district, company, or department created pursuant to the provisions of this part in a retirement or pension plan, or payments provided under 19-17-103 may be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter.

7-33-2111. Fire district capital improvement fund authorized. The trustees of a fire district may establish a capital improvement fund in accordance with the provisions of Title 7, chapter 6, part 6.

7-33-2120. Consolidation of fire districts -- mill levy limitations. (1) Two or more rural fire districts may consolidate to form a single rural fire district upon an affirmative vote of each rural fire district's board of trustees. At the time they vote to consolidate, the boards of trustees shall also adopt a consolidation plan. The plan must contain:

(a) a timetable for consolidation, including the effective date of consolidation, which must be after the time allowed for protests to the creation of the consolidated rural fire district under subsection (3);

(b) the name of the new rural fire district;

(c) a boundary map of the new rural fire district; and

(d) the estimated financial impact of consolidation on the average taxpayer within the proposed district.

(2) Within 14 days of the date that the trustees vote to consolidate, notice of the consolidation must be published as provided in 7-1-2121 or as provided in 7-1-4127 if the district or part of the district is in an incorporated third-class city or town in each county in which any part of the consolidated fire district will be located. A public hearing on the consolidation must be held within 14 days of the first publication of notice. The hearing must be held before the joint boards of trustees at a time and place set forth in the publication of notice.

(3) Real property owners in each affected rural fire district may submit written protests opposing consolidation to the trustees of their district. If within 21 days of the first publication of notice the owners of 40% or more of the real property in an existing district and owners of property representing 40% or more of the taxable value of property in an existing district protest the consolidation, it is void.

(4) After consolidation, the former rural fire districts constitute a single rural fire district governed under the provisions of 7-33-2104 through 7-33-2106.

(5) The consolidation of two or more rural fire districts pursuant to this section results in the creation of a new rural fire district for the purposes of determining mill levy limitations.

7-33-2125. Annexation of adjacent territory not contained in a fire district. (1) Adjacent territory within or outside of the limits of an incorporated third-class city or town that is not already a part of a fire district may be annexed in the following manner:

(a) A petition in writing by the owners of 40% or more of the real property within the proposed area to be annexed and owners of property representing 40% or more of the taxable value of property within the proposed area to be annexed must be presented to the board of trustees of the district for approval. If the proposed annexation is approved by the board of trustees, the petition must be presented to the board of county commissioners.

(b) At the first regular meeting of the board of county commissioners after the presentation of the petition, the commissioners shall set a date to hold a hearing on the petition. The date of the hearing may not be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners. The board of county commissioners shall publish notice of the hearing as provided in 7-1-2121 or as provided in 7-1-4127 if any part of the area proposed to be annexed is within an incorporated third-class city or town.

(2) On the date set for the hearing, the board of county commissioners shall consider the petition and any objections to the annexation. The board shall approve the annexation unless a protest petition signed by at least 40% of the owners of real property in the area proposed for annexation and owners of property representing 40% or more of the taxable value of the property in the area proposed for annexation is presented at the hearing, in which case the annexation must be disapproved.

(3) The annexed territory is liable for any outstanding warrant and bonded indebtedness of the original district.

(4) (a) Territory that is within the limits of an incorporated third-class city or town may be annexed only upon the approval of the city or town governing body.

(b) A third-class city or town may withdraw from the district territory that has been annexed under this section 2 years after providing to the board of county commissioners notice of intent to withdraw.

7-33-2126. Annexation of adjacent territory contained in a fire district. (1) Adjacent territory that is already a part of a fire district may withdraw from the fire district and become annexed to another fire district in the following manner:

(a) A petition in writing by 40% or more of the owners of real property within the area proposed to be transferred and owners of 40% or more of the taxable value of the property within the area proposed to be transferred must be presented to the county commissioners, asking that the area be transferred to and included in any other organized fire district to which the area is adjacent. The petition must describe the change of boundaries to be affected by the proposed transfer of area.

(b) The commissioners shall hold a hearing on the petition in accordance with the procedure outlined in 7-33-2142. The transfer must be allowed unless protests are presented at the hearing by the owners of 40% or more of the real property in either district and owners of property representing 40% or more of the taxable value in either district.

(2) The transfer may be allowed only upon a showing of more advantageous proximity and communications with the firefighting facilities of the other district.

7-33-2127. Withdrawal by owner of individual tract adjacent to municipality. In lieu of the detraction procedure provided in 7-33-2142 and 7-33-2143, whenever a person owns land adjacent to a city or town and wishes to have only that land annexed to the city or town, the land may be detracted as follows:

(1) The owner shall mail notice to the presiding officer of the trustees of the fire district or, if there are no trustees, to the board of county commissioners of the owner's intention to request annexation.

(2) The owner shall attach a copy of this notice of intention to the petition to the municipal governing body requesting annexation.

(3) Following adoption of the annexation order under 7-2-4714, the land is detracted from the fire district.

7-33-2128. Dissolution of fire district. (1) Subject to subsection (2), a fire district organized under this part may be dissolved by the board of county commissioners upon presentation of a petition for dissolution signed by the owners of 40% or more of the real property in the area and owners of property representing 40% or more of the taxable value of property in the area. The procedure and requirements provided in 7-33-2101 through 7-33-2103 apply to requests for dissolution of fire districts.

(2) A board of county commissioners may not dissolve a fire district that includes territory within the limits of an incorporated third-class city or town unless the dissolution is approved by the governing body of the city or town.

7-33-2141. Division of fire district authorized. Fire districts may be divided as provided in 7-33-2142 through 7-33-2144.

7-33-2142. Division of district -- petition -- plan for division. (1) (a) A fire district's board of trustees may vote to divide the district upon an affirmative vote of the board and upon receipt of a petition signed by the owners of 40% or more of the real property within the area proposed to be detracted from the original district and owners of property representing 40% or more of the taxable value of property in the area proposed to be detracted from the original district.

(b) The petition must describe the boundaries of the proposed detracted area and the boundaries of the remaining area.

(2) At the time it votes to divide, the board shall adopt a division plan that contains:

(a) a timetable for division, including the effective date, that must be after the time allowed for protests to the division;

(b) the names of the new rural fire districts;

(c) the boundary maps of the new districts;

(d) the estimated financial impact of the division on an owner of a home valued at \$100,000; and

(e) a method for the fair and equitable division of the assets and liabilities of the original district among the new districts.

(3) The board of trustees shall forward the plan to the board of county commissioners in the county where the districts are located.

(4) Within 21 days of receipt of the plan, the board of county commissioners shall set a date for a public hearing on the division and shall give notice of the hearing as provided in 7-1-2121 or as provided in 7-1-4127 if any part of the proposed detracted area is within the limits of an incorporated city or town.

7-33-2143. Decision on petition for division -- protest. The petition must be granted and the original districts must be divided into separate districts unless at the time of the hearing on the petition protests are presented by the owners of 40% or more of the real property in the entire original district and owners of property representing 40% or more of the taxable value of property in the entire original district. If the required number of protests are presented, the petition for division may not be approved.

7-33-2144. Distribution of assets and liabilities following division. (1) Upon the division of districts, the assets and liabilities of the original rural fire district must be distributed in accordance with the division plan as provided in 7-33-2142.

7-33-2129. Annexation of rural fire district property by municipality -- responsibility for bonded indebtedness. (1) If a municipality annexes property from a rural fire district, the annexed property is liable for any bonded indebtedness of the rural fire district existing as of the date of annexation to the same extent as it would have been liable if not withdrawn.

(2) A municipality may:

(a) offset the municipal mills levied on the annexed property by the mills levied on the property for bonded indebtedness; or

(b) annually appropriate funds to the rural fire district in an amount equal to the mills levied on the annexed property for bonded indebtedness.

ATTACHMENT #3

19-17-101. Short title. This chapter shall be known and may be cited as the "**Volunteer Firefighters' Compensation Act**".

19-17-102. Definitions. Unless the context requires otherwise, the following definitions apply in this chapter:

(1) "Active member" means a volunteer firefighter credited with service under this chapter during the most recently reportable fiscal year.

(2) "Benefit" means the pension, disability, or survivorship benefit provided under this chapter.

(3) "Board" means the public employees' retirement board provided for in 2-15-1009.

(4) "Claim" means a request from a member, surviving spouse, or dependent child for payment of medical or funeral expenses.

(5) "Department" means the department of administration.

(6) "Dependent child" means a child who is unmarried, who is under 18 years of age, and who is the child of a deceased member.

(7) "Designated official" means a representative of a fire company appointed by the fire chief to perform specified actions and includes but is not limited to a fire company supervisor, a fire company secretary, and a fire company presiding officer as described in 7-33-2312.

(8) "Disability" or "permanent total disability" means permanent total disability as defined in 39-71-116.

(9) "Fire company" means a fire company organized under 7-33-2311 in an unincorporated area, town, or village and includes a volunteer fire department, a fire district, and a fire service area created under the provisions of Title 7, chapter 33.

(10) "Fiscal year" means the 12-month period that begins on July 1 and ends on June 30 of the following year.

(11) "Member" means a volunteer firefighter who has service credited under this chapter.

(12) "Pension trust fund" means the volunteer firefighters' pension trust fund established to pay claims and benefits under this chapter.

(13) "Retiree" or "retired member" means a member who is receiving full or partial participation benefits or disability benefits from the pension trust fund.

(14) "Service" means cumulative periods of active membership that are credited only in full fiscal year increments.

(15) "Supplemental insurance" means insurance that is carried by a fire company for the purposes of providing disability or death benefits and that is in addition to any insurance required by law, including workers' compensation insurance.

(16) "Surviving spouse" means the spouse married to a member when the member dies.

(17) "Survivorship benefit" means the monthly benefit paid to the surviving spouse or dependent child of a deceased member.

(18) "Training" means instruction pertaining to firefighting that is supervised by the chief or a designated official.

(19) "Volunteer firefighter" means a person who is an active member of an eligible fire company and is not compensated for services as a firefighter.

19-17-103. Payments to fire companies maintaining supplemental insurance. To encourage and aid fire companies to maintain supplemental insurance to provide benefits when members are injured or killed while performing duties as volunteer firefighters, the board shall authorize payment of \$75 per year for each motorized mobile unit of firefighting equipment, not to exceed \$150 per fire company per year. Payment must be a charge against the pension trust fund and must be paid to each fire company maintaining supplemental insurance or to the organization or agency maintaining supplemental insurance for a fire company.

19-17-104. Penalty for false statements or claims. A person required to make a statement or affidavit by this chapter who willfully falsifies the statement or affidavit or a person who files a false claim under this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine in an amount not exceeding \$1,000 or by imprisonment for a term not exceeding 1 year, or both.

19-17-106. Pension trust fund established -- restrictions on use. (1) A pension trust fund is established and maintained for payment of claims and benefits provided under the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan.

(2) The pension trust fund must be funded on an actuarially sound basis. For purposes of this subsection, "actuarially sound basis" means that contributions must be sufficient to pay the full actuarial cost of the fund. The full actuarial cost includes both the normal cost of providing benefits as they accrue in the future and the cost of amortizing unfunded liabilities over a scheduled period of no more than 30 years.

(3) Except as provided in this section, a member or an employee of the department or the board of investments may not:

(a) have any interest, direct or indirect, in the making of any investment or in the gains or profits accruing from the pension trust fund;

(b) directly or indirectly, for the member or employee or as an agent or partner of others, borrow from the pension trust fund or deposits;

(c) in any manner use the pension trust fund except to make current and necessary payments that are authorized by the board; or

(d) become an endorser or surety as to or in any manner an obligor for investments for the pension trust fund.

(4) The assets of the pension trust fund may not be used for or diverted to any purpose other than for the exclusive benefit of members, their surviving spouses, their dependent children, and qualified fire companies and for paying the reasonable administrative expenses of administering this chapter.

(5) Upon the termination of the pension trust fund, the substantial reduction in the number of members that would constitute a partial termination of the pension trust fund, or the complete discontinuance of contributions to the pension trust fund, the pension benefit accrued to each member directly affected by the occurrence becomes fully vested and nonforfeitable to the extent that the benefit is funded.

19-17-107. Employment of actuary -- biennial investigation. (1) The board shall retain a competent actuary who is an enrolled member of the American academy of actuaries and who is familiar with public pension systems. The actuary is the technical adviser to the board on matters regarding the actuarial funding of the pension trust fund.

(2) The board shall require the actuary to make a biennial actuarial valuation of the assets and liabilities of the pension trust fund. The actuarial valuation must include the sufficiency of the fund to pay full and partial benefits to members and benefit recipients and must include recommendations for any changes that should be made to those benefits or the contributions to the pension trust fund to ensure the actuarial soundness of the pension trust fund.

(3) The board shall require the actuary to conduct periodic actuarial experience studies of the pension trust fund and to recommend any changes in actuarial assumptions or tables based upon the studies.

19-17-108. Credit for service as volunteer firefighter -- records. (1) The annual period of service that may be credited under this chapter is the fiscal year. A fractional part of a year may not count toward the service required for participation in this system. To be eligible to receive credit for any particular year, a volunteer firefighter shall serve with a fire company throughout the entire fiscal year.

(2) The years of service are cumulative and need not be continuous. Separate periods of service properly credited with different fire companies must be credited toward a member's eligibility for full or partial benefits.

(3) A volunteer firefighter must receive credit for service during any fiscal year if:

(a) during the fiscal year, the volunteer firefighter completes a minimum of 30 hours of training in matters pertaining to firefighting under a formal program that has been formulated, supervised, and certified to the board by the chief or designated official of the fire company;

(b) the volunteer firefighter's participation in the training program is documented in the fire company's records filed and maintained by the chief or designated official; and

(c) the fire company maintained firefighting equipment that is in serviceable condition and owns, rents, or uses one or more buildings used for the storage of that equipment that all together are valued at \$12,000 or more.

(4) The chief or designated official of each fire company shall keep and maintain training records for each current and former volunteer firefighter who is or was a member of the fire company.

19-17-301. Fire insurance premium tax to be paid into pension trust fund. The state auditor shall annually pay from the general fund to the pension trust fund a sum equivalent to 5% of the premium taxes collected from insurers authorized to effect insurance against risks enumerated in 50-3-109. The sum must be computed before the amounts provided for by 19-13-604, and 19-18-512 are deducted. The money must be used for the payment of claims, benefits, and administrative costs as provided in this chapter. The money is statutorily appropriated as provided in 17-7-502.

ATTACHMENT #4

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

2705 Spurgin Road, Missoula, MT 59804-3199
(406) 542-4300 Telefax (406) 542-4217



BRIAN SCHWEITZER
GOVERNOR

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX: (406) 444-2684

January 18, 2007

Dear Grant Applicant:

The 2007 application period for matching funds through the federally funded Volunteer Fire Assistance (VFA) program (U.S. Forest Service) and the Rural Fire Assistance (RFA) program (U.S. Department of Interior Agencies-Bureau of Land Management, US Fish & Wildlife Service, Bureau of Indian Affairs, and National Park Service) is now open. Completed applications must be received no later than 5:00 pm **March 1, 2007**. While we realize this to be a short turnaround time, it is necessitated by changes within the federal system. It is possible that applications received after that time will not be considered for this year's funding, so please return as soon as possible.

Submit applications to:

**Montana DNRC
Forestry Division/Fire & Aviation Management Bureau
Attn: VFA/RFA Grant Program Administrator
2705 Spurgin Road
Missoula, MT. 59804-3199**

Changes have been made to the application. Single applications representing countywide fire organizations are required. Attach an Appendix A for each individual organization (Fire Company, District, Fire Service Area, etc) and list the project(s) for that organization. At the top of the Appendix please write the name of the applicant organization that Appendix corresponds to. For countywide projects (a project that benefits all departments within the county (i.e. repeater system, etc) include one Appendix A and denote that it is a countywide project that includes the fire departments listed in the main body of the application.

The funding for 2007 VFA/RFA program may be below that of last year, although the exact amounts will not be known for some time. The Department of Interior and the U.S. Forest Service fact sheets are enclosed with the grant application and I urge you to make sure that your request falls within those guidelines. I will also add that communications equipment should be capable of integrating with other agency fire fighting forces (analog and narrowband). The maximum grant amount for a single applicant is \$20,000. Construction or improvement of fire stations for housing fire equipment, normal

operational expenses, and maintenance do not qualify for VFA/RFA funds. It is strongly suggested that every application contain some element for training, whether that's paying student expenses, sponsoring wildland classes, rental, etc.

Please note that there are changes within the application from previous years. Applications missing elements or incomplete may not be considered, so please look them over carefully when filling out and do not just copy last year's application without checking. Please note that grants are dependent on Congress funding the programs, which has not yet been done. As in every grant, do not expend requested funds prior to them being formally awarded by written notice. The VFA/RFA grant has been an excellent source for local fire organizations, and we encourage your participation. We appreciate the work involved in getting county agencies together and in putting the applications together fairly.

Details are available by contacting your local DNRC office, by calling (406) 622-5455, or on the internet at: www.dnrc.mt.gov/forestry/fire.

Sincerely,

A handwritten signature in cursive script that reads "Doug Williams".

Doug Williams
Rural Fire Program Coordinator
Fire and Aviation Management Bureau
Forestry Division

Volunteer Fire Assistance and Rural Fire Assistance Program

Date Rev'd.: _____
For DNRC Use Only

Application Period: January 22 – March 1, 2007

APPLICANT:

Date _____

Name of Organization _____

Address _____

City _____ County _____, Montana / Zip _____

Person to Contact (name) _____ (Title) _____

Phone _____ Cell _____ Email _____

Chief Officer _____ (Title) _____

Federal Identification number to be used for grant: # 81 - _____

DUNS number: _____

JURISDICTION

Briefly describe your jurisdiction. _____

Do you protect all property/residents in your community, district or area? Yes___ No___

PROJECT INVOLVEMENT - Countywide Application

Communities involved (names) _____

List Departments involved (complete Appendix A for each dept) _____

DOES THE PROJECT HAVE, OR HAVE THEY APPLIED FOR AN FHA COMMUNITY FACILITY LOAN THAT RELATES TO IMPROVE FIRE PROTECTION? Yes___ No___ If "Yes", when _____

DOES FIRE DEPARTMENT HAVE A CURRENT COOPERATIVE WILDLAND FIRE AGREEMENT WITH
(circle one) **DOI** **Tribal** **State** **USFS** **None**

IS THE FIRE DEPARTMENT A TRIBAL DEPARTMENT? Yes ____ No ____

**DOES THE DEPARTMENT HAVE INDIAN TRUST AND/OR RESTRICTED INDIAN LAND WITHIN
PRIMARY RESPONSE AREA?** Yes ____ No ____

WHAT ASSISTANCE DOES THIS APPLICATION COVER?

Organizing Fire Protection _____
 Training _____
 Fire Equipment _____
 Fire Prevention _____
 Wildland PPE _____

ESTIMATED TOTAL PROJECT COST: *From Appendix "A"*

TOTAL \$ _____

FIRE SERVICE INFORMATION:

Do you file your fire reports using the NFIRS system?	Yes	No
Number of wildland urban intermix acres protected by applicant:		
Number of wildfire responses within primary response area in 2006 - DOI lands:		USFS lands:
Total number of wildfire responses in 2006:	# of Initial Attack	# of Extended Attack
Number of mutual aid responses within primary response area in 2006 (include ALL agencies):		
Total number of all Fire Department responses in 2006 (wildfire, structure, EMS, all-risk):		
Minimum number of firefighters responding to structure fire in past three years:		
Maximum response distance (do not include mutual aid):		
Does your Fire Department have a wildland fire prevention program?	Yes	No
How many members of department meet basic wildland firefighter safety training (S130,S190)?		
How many members meet advanced wildland firefighter qualifications (ENGB,STEN,ICT3,etc)?		
What basic/advanced wildland fire training courses are necessary to meet department's needs?		
Does the department currently have wildland fire PPE for all active members? If not, how many members are equipped with PPE?		
Do you have a Community Wildland Fire Protection Plan (CWPP) or equivalent plan?	Yes	No

NOTE:

- One Appendix "A" must be attached for each department included in this application.
- Contracts are valid for six months from date of issuance; all allocated funds are to be expended by the contract expiration date.
- ONLY Countywide applications will be considered for grant participation, with exception of departments in counties without a countywide organization. In the case of departments in counties without a county fire association or fire council, countywide fire department, etc., your applications must be submitted through your County Fire Warden.

I understand that grant awards are conditional on Congressional funding of the VFA/RFA Program.

NIMS CERTIFICATION: I certify that our organization has adopted and uses the National Incident Management System (NIMS) in day-to-day emergency operations. Yes ___ No ___

Application Prepared By: _____ Date: _____

Signature: _____

Mail application and appendixes to:
Montana DNRC
Forestry Division/ Fire & Aviation
ATTN: VFA/RFA Grant Program
2705 Spurgin Road
Missoula, MT 59804-3199

DNRC contacts:

Doug Williams 406-622-5455 DWilliams4@mt.gov
Ann Evans 406-542-4233 aevans@mt.gov

ATTACHMENT #5

7-33-2401. Fire service area -- establishment -- alteration -- dissolution. (1) Upon receipt of a petition signed by at least 30 owners of real property in the proposed service area, or by a majority of the owners of real property if there are no more than 30 owners of real property in the proposed service area, the board of county commissioners may establish a fire service area within an unincorporated area not part of a rural fire district in the county to provide the services and equipment set forth in 7-33-2402.

(2) To establish a fire service area, the board shall:

(a) pass a resolution of intent to form the area, with public notice as provided in 7-1-2121;

(b) hold a public hearing no earlier than 30 or later than 90 days after passage of the resolution of intent;

(c) at the public hearing:

(i) accept written protests from property owners of the area of the proposed area; and

(ii) receive general protests and comments relating to the establishment of the fire service area and its boundaries, rates, kinds, types, or levels of service, or any other matter relating to the proposed fire service area; and

(d) pass a resolution creating the fire service area. The area is created effective 60 days after passage of the resolution unless by that date more than 50% of the property owners of the proposed fire service area protest its creation.

(3) Based on testimony received in the public hearing, the board in the resolution creating the fire service area may establish different boundaries, establish a different fee schedule than proposed, change the kinds, types, or levels of service, or change the manner in which the area will provide services to its residents.

(4) The board of county commissioners may alter the boundaries or the kinds, types, or levels of service or dissolve a fire service area, using the procedures provided in subsection (2). The board of county commissioners shall alter the boundaries of a fire service area to exclude any area that is annexed by a city or town, using the procedures provided in subsection (2). Any existing indebtedness of a fire service area that is dissolved remains the responsibility of the owners of property within the area, and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area.

7-33-2402. Area services. (1) A fire service area created pursuant to 7-33-2401 may provide residents of the area with adequate and standard:

(a) (i) fire and emergency response equipment, personnel, facilities, and maintenance, for a fire service agency providing service to the area; or

(ii) fire protection by contracting for the services of a fire service agency; and

(b) emergency medical services and equipment, licensed by the department of public health and human services, and related personnel, facilities, and maintenance.

(2) A fire service area may, pursuant to 50-61-102, submit a fire code and a plan for enforcement to the department of justice in order to be certified for local enforcement. However, an appointed board of trustees of a fire service area shall obtain approval of the county commissioners prior to submitting a fire code and a plan of enforcement to the department of justice.

7-33-2403. Operation of fire service area -- voted levy for volunteer firefighters' disability income insurance.

(1) Whenever the board of county commissioners has established a fire service area, the commissioners may:

(a) govern and manage the affairs of the area;

(b) appoint five qualified trustees to govern and manage the affairs of the area; or

(c) authorize the election of five qualified trustees to govern and manage the affairs of the area. The term of office and procedures for nomination and election are the same as those provided for election of rural fire district trustees in 7-33-2106.

(2) Subject to 15-10-425, the commissioners may levy a tax upon all property within the county for the purpose of buying disability income insurance coverage for volunteer firefighters deployed within the fire service area as provided in 7-6-621.

(3) If the commissioners appoint trustees under subsection (1), the provisions of 7-33-2105 apply and 7-33-2106 applies whether the trustees are elected or appointed, except that the trustees shall prepare annual budgets and request a schedule of rates for the budget.

7-33-2404. Financing of fire service area -- fee on structures -- fee on undeveloped land. (1) In the resolution creating the fire service area and by resolution as necessary after creation of the fire service area, the board of county commissioners shall establish a schedule of rates to be charged to owners of structures and owners of undeveloped land that are benefited by the services offered by the fire service area.

(2) (a) The rates for structures must be applied on a fair and equal basis to all classes of structures benefited by the fire service area. The fee charged to owners of structures is intended to be primarily used for structural fire prevention and suppression.

(b) The rates for undeveloped land must be applied on a fair and equal basis to all classes of undeveloped land benefited by the fire service area. Undeveloped land does not include land located under structures subject to a fee under subsection (2)(a). The excluded land may not exceed 1 acre. The fee charged to owners of undeveloped land is intended to be primarily used for wildland fire prevention and suppression. The fee may not exceed 15 cents an acre up to a maximum of \$250 for undeveloped land under single ownership. The fee may not be assessed on undeveloped land for which the owner pays a fee or tax to another public agency for wildland fire prevention and suppression.

(3) The board of county commissioners shall collect the funds necessary to operate the fire service area by charging the area rate as a special assessment on the owners of structures and undeveloped land and shall collect the assessments with the general taxes of the county. The assessments are a lien on the assessed property.

(4) The board of county commissioners or the trustees, if the fire service area is governed by trustees under 7-33-2403, may pledge the income of the fire service area to secure financing necessary to procure equipment and buildings to house the equipment. The outstanding amount of the indebtedness may not exceed 1.1% of the total assessed value of taxable property, determined as provided in 15-8-111, within the area, as ascertained by the last assessment for state and county taxes prior to the incurring of the indebtedness.

(5) If a fire service area is reduced or eliminated by annexation of all or a portion of the fire service area into a municipality, then the county commissioners or trustees of the fire service area shall notify the annexing municipality in order to prevent the property owners of the area to be annexed from assuming financial responsibility to both the municipality and the fire service area.

7-33-2405. Mutual aid agreements -- request if no agreement exists -- definitions. (1) A mutual aid agreement is an agreement for protection against disasters, incidents, or emergencies.

(2) The governing body of a fire service area may enter mutual aid agreements with the proper authority of:

- (a) other fire service areas;
- (b) unincorporated municipalities;
- (c) incorporated municipalities;
- (d) state agencies;
- (e) private fire prevention agencies;
- (f) federal agencies;
- (g) fire districts;
- (h) governing bodies of other political subdivisions in Montana; and
- (i) governing bodies of fire protection services, emergency medical care providers, and local government subdivisions of any other state or the United States pursuant to Title 10, chapter 3, part 11.

(3) If the governing body of a fire service area has not concluded a mutual aid agreement, the governing body, a representative of the governing body, or an incident commander may request assistance pursuant to 10-3-209.

(4) As used in this section, "incidents", "disasters", and "emergencies" have the meanings provided in 10-3-103.



Bureau of Justice Assistance

Fact Sheet

Public Safety Officers' Benefits Act

Benefits

The Public Safety Officers' Benefits (PSOB) Act provides a \$100,000 benefit* to the eligible survivors of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty. The act also provides the same benefit to a public safety officer who has been permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty. To qualify, the injury must permanently prevent the officer from performing any gainful work.

*The benefit was increased from \$50,000 to \$100,000 for deaths occurring on or after June 1, 1988. Beginning on October 1, 1988, and on each October 1st thereafter, the benefit will be adjusted by the percentage of change in the Consumer Price Index.

Effective Dates

Death benefits:

- State and local law enforcement officers and fire fighters are covered for injuries sustained on or after September 29, 1976.
- Federal law enforcement officers and fire fighters are covered for injuries sustained on or after October 12, 1984.
- Members of Federal, State, and local public rescue squads and ambulance crews are covered for injuries sustained on or after October 15, 1986.

Disability benefits:

- Federal, State, and local law enforcement officers, firefighters, and members of public rescue squads and ambulance crews are covered for injuries sustained on or after

November 29, 1990.

Eligible Public Safety Officers

A public safety officer is a person serving a public agency in an official capacity, with-or without compensation, as a law enforcement officer, fire fighter, or member of a public rescue squad or ambulance crew. Law enforcement officers include but are not limited to police, corrections, probation, parole, and judicial officers. Volunteer fire fighters and members of volunteer rescue squads and ambulance crews are covered if they are officially recognized or designated members of legally organized volunteer fire, rescue, or ambulance departments.

A public safety officer's death or total and permanent disability must result from injuries sustained in the line of duty. Line of duty means any action that the public safety officer is authorized or obligated to perform by law, rule, regulation, or condition of employment or service. If law enforcement, fire suppression, rescue, or ambulance service is not a person's primary function, then to be covered by this act, that person must be engaged in his or her authorized law enforcement, fire suppression, rescue, or ambulance duties when the fall or disabling injury is sustained.

Public Agency

"Public agency" means the United States, any U.S. State, the District of Columbia, the Commonwealth of Puerto Rico, any U.S. territory or possession, any unit of local government, any combination of such States or units, and any department, agency, or instrumentality of the foregoing.