

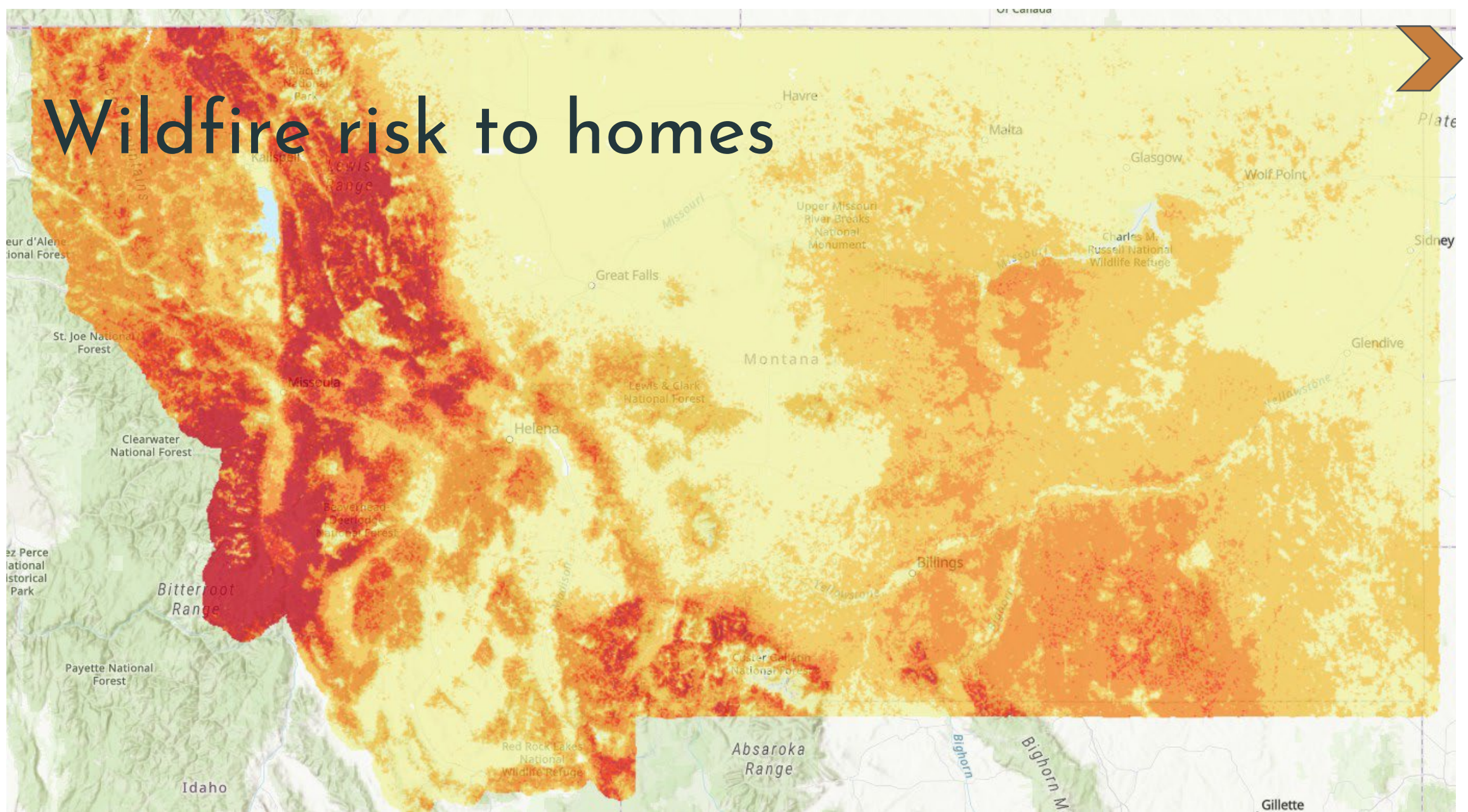
Background on state wildfire policy

Legislative Environmental Policy Office

June 2026



Wildfire risk to homes





Reducing wildfire risk

- 3 methods:
 - Suppression
 - Mitigation
 - Regulations

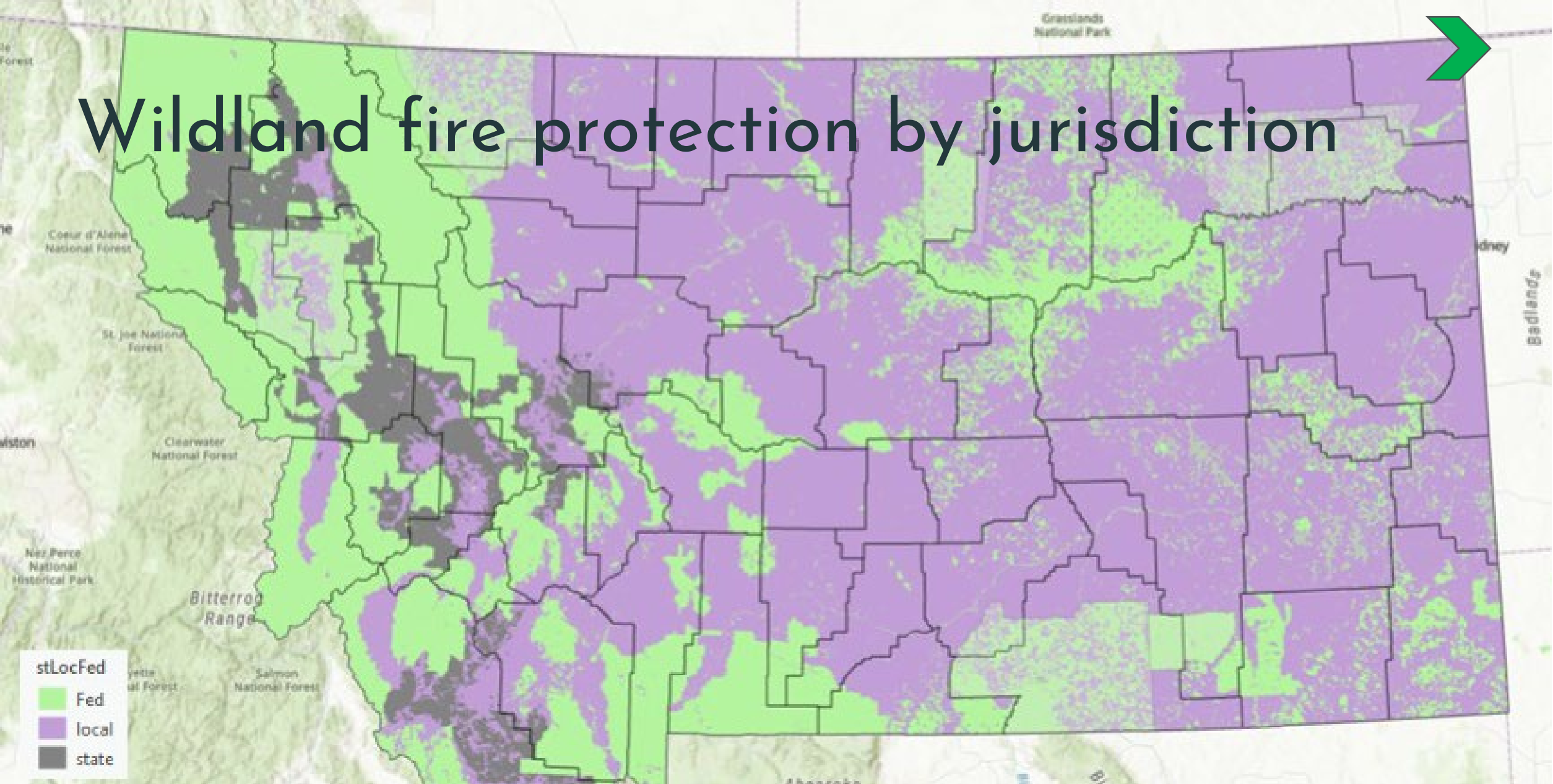




State wildfire laws

- State fire policy (76-13-115, MCA)
- Protection of forest resources (Title 76, chapter 13, part 1)
- Provision of fire protection services (Title 76 chapter 13, part 2)
- Prevent, extinguish fires on state lands (77-5-103)
- **Local government fire protection (Title 7, chapter 33)**

Wildland fire protection by jurisdiction





State wildfire laws

- State fire policy (76-13-115, MCA)
- Protection of forest resources (Title 76, chapter 13, part 1)
- Provision of fire protection services (Title 76 chapter 13, part 2)
- Prevent, extinguish fires on state lands (77-5-103)
- Local government fire protection (Title 7, chapter 33)
- **Liability for forest or range fires (50-63-104)**



State wildfire laws: 2025 legislation

- State fire policy (76-13-115, MCA) —————→ HB130 (Revise state wildland fire policy and funding): “the department has a duty to engage in wildfire suppression activities in the state regardless of land ownership if the department determines that the federal wildfire suppression activities within 5 miles of department or county wildland fire protection are not consistent with 76-13-104. The department may...bill the responsible recognized federal protection agency for costs...”
- Protection of forest resources (Title 76, chapter 13, part 10)
- Provision of fire protection services (Title 76, chapter 13, part 2)
- Prevent, extinguish fires on state lands (77-5-105)
- Local government fire protection (Title 7, chapter 33)
- Liability for forest or range fires (50-63-104)
- Railroad control of fire hazard along right-of-way (69-11-721)



State wildfire laws: 2025 legislation

- State fire policy (76-13-115, MCA)
- Protection of forest resources (Title 76, chapter 13, part 1)
- Provision of fire protection services (Title 76 chapter 13, part 2)
- Prevent, extinguish fires on state lands (77-5-103)
- Local government fire protection (Title 7, chapter 23)
- Liability for forest or range fires (50-63-104)
 - HB84 (Revise liability, training for prescribed fires): Defines a “certified prescribed fire manager” as someone who completes a DNRC certification program; certified fire manager “not liable for injury to or destruction of property” unless negligent; DNRC to study establishment of prescribed fire claims fund
- Railroad control of fire hazard along right-of-way (89-14-721)



State wildfire laws: 2025 legislation

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HB421 (Increase DNRC fire assessment fees)





State wildfire laws: 2025 legislation

- State fire policy (76-13-115, MCA)
- Protection of forest resources (Title 76, chapter 13, part 1)
- Provision of fire protection services (Title 76, chapter 13, part 2)
HB490 (Revise civil liability laws): PSC-approved
“wildfire mitigation plan” limits legal liability of “electric
facilities provider” in event of a wildfire
- Prevent, extinguish fires on state lands (77-5-103)
- Local government fire protection (Title 7, chapter 33)
- Liability for forest or range fires (50-63-104)
- Railroad control of fire hazard along right-of-way (69-14-721)





Legislative wildfire studies

- Price of Flame (Fire Suppression Interim Cmte., 2008)
- Prescribed Burning: Fires not gone wild (EQC, 2018)
- SJ21: Preserving and Improving the Future of Volunteer Fire and Emergency Services in Montana (Local Gov't Interim Cmte., 2018)
- Plumes of Data: Air quality and emergency room visits during recent Montana fire seasons (EQC, 2022)
- Utility Wildfire Liability Statutory Considerations (ETIC, 2024)



Federal reorganization

- U.S. Wildland Firefighting Service: combines efforts of Nat'l Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Indian Affairs
- USFS reorganization: new regional forest offices, consolidated research





EQC fire studies

- HB70: Study of state fire suppression
- HJ62: Study of wildfire prevention and resilience