



HB70

Background on state wildfire policy

Legislative Environmental Policy Office

October 2025



When a wildfire ignites

- River Road East Fire (2023)





When a wildfire ignites

- River Road East Fire (2023)



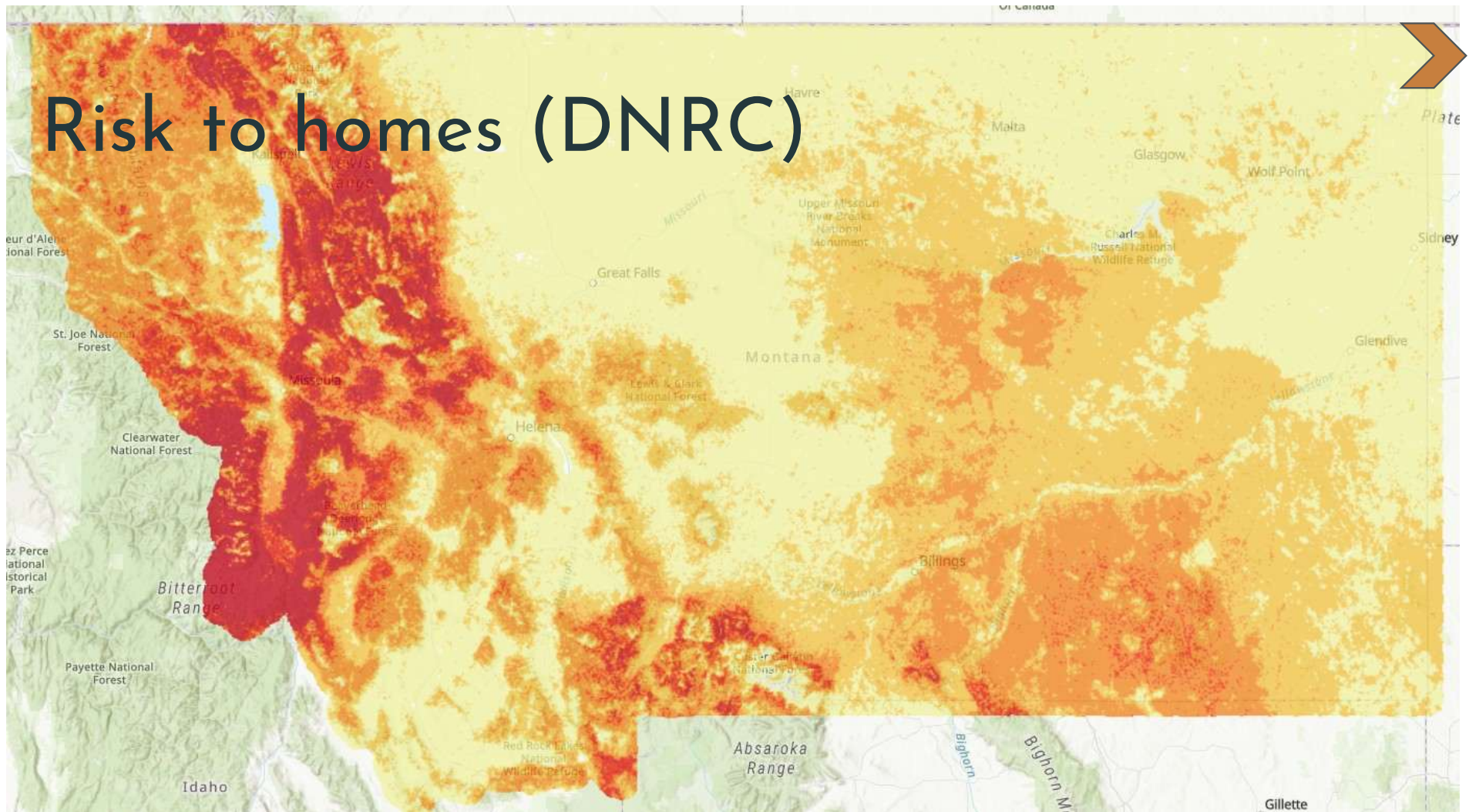


When a wildfire ignites

- River Road East Fire (2023)
 - “Unknown” cause
 - 27 sq. miles burned
 - \$16.1 million firefighting costs
 - 711 crew members (at peak)
 - 64 structures destroyed
 - 4th-most destructive since 2006



Risk to homes (DNRC)





Reducing wildfire risk

- 3 methods:
 - Suppression
 - Mitigation
 - Regulations





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 33)
- Liability for forest or range fires (50-63-104)
- Railroad control of fire hazard along right-of-way (69-14-721)





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 1)
- Provision of fire protection services (Title 76, chapter 13, part 2)
- Prevent, extinguish fires on state lands (77-3-103)
- Local government fire protection (Title 7, chapter 22)
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 - Railroad control of fire hazard along right-of-way (89-14-721)
- 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





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HB421 (Increase DNRC fire assessment fees)





State wildfire laws: 2025 legislation

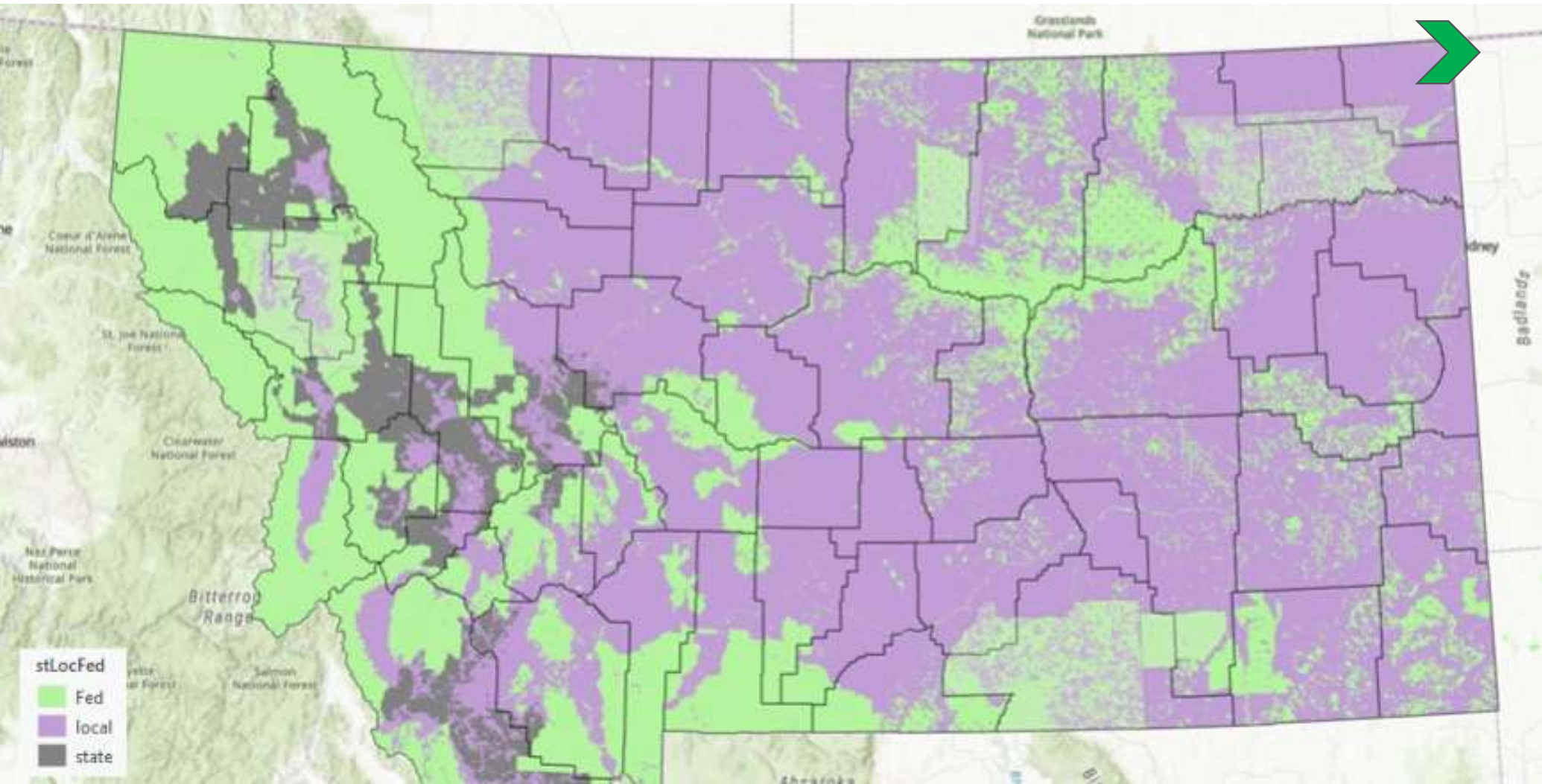
- State fire policy (76-13-115, MCA)
- Protection of forest resources (Title 76, chapter 13, part 1)
- Provision of fire protection services (Title 76, chapter 13, part 2)
 - HB490 (Revise civil liability laws): PSC-approved “wildfire mitigation plan” limits legal liability of “electric facilities provider” 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)**





Paying for wildfires

- Who pays for protection?
 - State
 - Federal
 - Locals
- How does Legislature fund state wildfire costs?
 - HB883: Wildfire suppression account
 - Fire protection fee for forest land
 - Federal government
 - FEMA



HB70 asks....

- To investigate:
 - Firefighting operations, and management policies affecting success
 - Efficient use of resources
 - Impact of operations on private land, use of private resources
 - State/federal forest, grazing policies and effect





HB70 timeline

- July 2025
 - Introduction to topic (legislative audit on fire fees, update on federal consolidation, LFD fire tool, 2025 season update)
- Oct. 2025
 - Background on state wildfire policy; LFD fire tool add'l layers; fire season summary
- Jan. 2026
 - Panel discussion on what has changed since 2009 report
- March and May, 2026
 - Refine specific areas of interest
- July and Sept. 2026
 - Report findings, recommendations, legislation