

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO VOLUNTEER  
5 EMERGENCY CARE PROVIDERS; ALLOWING A VOLUNTEER EMERGENCY CARE PROVIDER TO  
6 RECEIVE BENEFITS UNDER THE VOLUNTEER FIREFIGHTERS COMPENSATION ACT; ALLOWING A  
7 LOCAL OR TRIBAL GOVERNMENT ENTITY TO DEPOSIT A PORTION OF 9-1-1 FUNDING TO PROVIDE  
8 FOR VOLUNTEER EMERGENCY CARE PROVIDER PENSIONS; DEFINING THE DUTIES OF A  
9 VOLUNTEER EMERGENCY CARE PROVIDER; DEFINING THE ELIGIBILITY REQUIREMENTS OF AN  
10 EMERGENCY CARE PROVIDER COMPANY TO QUALIFY TO PARTICIPATE IN THE PENSION PROGRAM;  
11 INCREASING REIMBURSEMENT LIMITS FOR A PERSON TO RECEIVE PROTECTIONS UNDER THE  
12 GOOD SAMARITAN LAW; AMENDING SECTIONS 10-04-108, 19-17-102, 19-17-105, 19-17-108, 19-17-109,  
13 19-17-110, 19-17-111, 19-17-112, 19-17-113, 19-17-205, 19-17-301, 19-17-401, 19-17-403, 19-17-406, 19-17-  
14 412, 19-17-501, 19-17-502, 19-17-503, 19-17-601, AND 27-1-714, MCA; PROVIDING FOR CONTINGENT  
15 VOIDNESS; PROVIDING EFFECTIVE DATES."

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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19 **Section 1.** Section 10-04-108, MCA, is amended to read:

20 **"10-4-108. Rulemaking authority.** (1) The department shall adopt rules to implement the provisions  
21 of this chapter. The rules must include but are not limited to:

- 22 (a) distribution procedures for funding authorized in 10-4-305(1);
- 23 (b) procedures for grant funding authorized in 10-4-306. The rules for grant funding must include but  
24 are not limited to:
  - 25 (i) eligibility requirements for entities applying for grants;
  - 26 (ii) criteria for awarding grants; and
  - 27 (iii) reporting procedures for grant recipients.
- 28 (c) postdisbursement activities by the department to monitor the use of funding by entities, including:

- 1 (i) reporting requirements; and
- 2 (ii) except as provided in subsection (5), procedures for repayment of funds expended on activities
- 3 determined not to meet eligibility requirements.
- 4 (2) The department shall adopt rules including but not limited to:
- 5 (a) technology standards, based on industry standards and a statewide 9-1-1 plan [pursuant to 10-4-
- 6 315], to ensure that public safety answering points meet minimum 9-1-1 services levels; and
- 7 (b) baseline next-generation 9-1-1 principles to facilitate the appropriate deployment of baseline next-
- 8 generation 9-1-1.
- 9 (3) (a) Before January 1, 2022, the department shall adopt rules for the allocation and distribution of
- 10 funds in the account provided for in 10-4-304(2)(a) in accordance with 10-4-305(2) and (3) to local and tribal
- 11 government entities that host public safety answering points.
- 12 (b) The rules adopted for allocation must be based on the official final decennial census figures and
- 13 must ensure that each local and tribal government entity that hosts a public safety answering point receives
- 14 funding. The allocation must account for:
- 15 (i) historic allocations provided to a local or tribal government entity that hosts a public safety
- 16 answering point;
- 17 (ii) the population of counties, cities, Indian reservations, or other government entities served by the
- 18 public safety answering point;
- 19 (iii) population trends; and
- 20 (iv) other factors determined by the department, in consultation with the 9-1-1 advisory council
- 21 provided for in 10-4-105, critical to the funding allocation.
- 22 (c) The department's allocation may not distribute funds in a manner that discourages public safety
- 23 answering points from consolidating or combining.
- 24 (4) The department shall adopt rules in accordance with the Montana Administrative Procedure Act
- 25 provided for in Title 2, chapter 4, to implement the provisions of this section.
- 26 (5) Eligibility requirements and allowable uses by the department must allow a local or tribal
- 27 government entity that receives a distribution in accordance with 10-4-305 to deposit a portion of their allocation
- 28 to the Volunteer Firefighters' Compensation Act in accordance with 19-17-301."

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**Section 2.** Section 19-17-102, MCA, is amended to read:

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

(1) "Active member" means a volunteer firefighter or a volunteer emergency care provider credited with service under this chapter as provided in 19-17-108 during the most recently reportable fiscal year.

(2) "Allowance" means a total monetary and gift amount that is available to a volunteer firefighter or a volunteer emergency care provider from an emergency care provider from a fire company pursuant to 19-17-110.

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

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

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

(6) "Compensation" means remuneration for services rendered;

(a) as a firefighter from the fire company requesting credit for that firefighter; or

(b) as an emergency care provider from the emergency care provider company requesting credit for that emergency care provider.

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

(8) "Designated official" means:

(a) 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; or

(b) a representative of an emergency care provider company designated to report to the board as required under this chapter and to ensure compliance with the provisions of this chapter.

(9) "Disability" or "permanent total disability" means a duty-related injury resulting in permanent total disability as defined in 39-71-116.

(10) "Emergency care provider company means an organization of volunteer emergency care

1 providers, including but not limited to:

2 (a) an organization created under 7-34-103 to provide ambulance service;

3 (b) an employer who provides workers' compensation coverage to a volunteer emergency care

4 provider as provided in 7-33-4510 or 39-71-118; and

5 (c) a nontransporting medical unit as defined in 50-6-302.

6 (11) "Fire company" means an organization of volunteer firefighters created under the authority of a  
7 governing board or commission to serve an unincorporated area, town, or village.

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

10 (13) "Inactive member" means a member not credited with service under this chapter as provided in  
11 19-17-108 during the most recently reportable fiscal year.

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

13 (15) "Pension benefit" means a full or partial payment for service earned as a volunteer firefighter and  
14 does not include payment for disability.

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

17 (17) "Reimbursed" means the return by a fire company of an equivalent amount of money expended  
18 by a member for the benefit of the fire company.

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

21 (19) "Supplemental insurance" means insurance that is carried by a fire company for the purposes of  
22 providing disability or death benefits. Supplemental insurance does not include any insurance required by law,  
23 such as workers' compensation insurance.

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

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

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

- 1           (23) "Volunteer emergency care provider" means an individual who"
- 2           (a) is licensed pursuant to Title 50, chapter 6, part 2, and provides out-of-hospital, emergency medical
- 3 or community-integrated health care or interfacility transport for an emergency medical service; and
- 4           (b) does not receive a regular salary or wage to provide emergency care provider services.
- 5           (24) "Volunteer firefighter" means a person who is a member of an eligible fire company and is not
- 6 compensated for services as a firefighter."

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8           **Section 3.** Section 19-17-105, MCA, is amended to read:

9           **"19-17-105. Duties of volunteer firefighters and emergency care providers.** (1) The duties of a

10 volunteer firefighter include any activity authorized by an officer of the fire company relating to travel to,

11 participation in, and return from calls for fire protection, fire company meetings, training, medical assistance,

12 search and rescue assistance, public service activities, such as parades, and calls for assistance to protect

13 individual or public health and safety.

14           (2) The duties of a volunteer emergency care provider include any activity relating to travel to,

15 participation in, and return from calls for emergency medical care, community-integrated health care,

16 interfacility transport, training, public service activities, and calls for assistance to protect individual public health

17 and safety."

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19           **Section 4.** Section 19-17-108, MCA, is amended to read:

20           **"19-17-108. Credit for service as volunteer firefighter or volunteer emergency care provider --**

21 **records.** (1) The annual period of service that may be credited under this chapter is the fiscal year. A fractional

22 part of a year may not count toward the service required for participation in this system. ~~To~~ A member must

23 continue to meet the requirements of 19-17-109 to be eligible to receive credit for any particular year, and

24           (a) a volunteer firefighter shall serve throughout the entire fiscal year with a single fire company that

25 is organized under Title 7, chapter 33, and continues to meet the requirements of 19-17-109. ; and

26           (b) a volunteer emergency care provider shall serve with at least one emergency care provider

27 company throughout the entire fiscal year.

28           (2) The years of service are cumulative and need not be continuous. Separate periods of service

1 properly credited with different fire companies or emergency care provider companies must be credited toward  
2 a member's eligibility for benefits.

3 (3) A volunteer firefighter may not receive credit for service during any fiscal year unless:

4 (a) during the fiscal year, the volunteer firefighter completes a minimum of 30 hours of training in  
5 firefighting duties as outlined in 19-17-105 under a formal program that has been formulated, supervised, and  
6 certified to the board by the chief or designated official of the fire company; and

7 (b) the volunteer firefighter's participation in the training program is documented in the fire company's  
8 records maintained pursuant to 19-17-111 by the chief or designated official.

9 (4) A volunteer emergency care provider may not receive credit for service during any fiscal year  
10 unless:

11 (a) the volunteer emergency care provider remains licensed, certified, or otherwise legally qualified to  
12 provide emergency medical care for the duration of the fiscal year; and

13 (b) the emergency care provider company maintains adequate record of the licensure and  
14 certification of all volunteer emergency care providers in the company."

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16 **Section 5.** Section 19-17-109, MCA, is amended to read:

17 **"19-17-109. Eligible fire company and emergency care provider company.** (1) To be eligible to  
18 participate under this chapter, a fire company shall provide to the board documentation of the following:

19 (a) the fire company's name and mailing address;

20 (b) the name of the fire chief and designated official, if any;

21 (c) the portion of the fire district serviced by the fire company;

22 (d) that the area serviced is located in an unincorporated area;

23 (e) that the fire company maintains firefighting equipment that is in serviceable condition and owns,  
24 rents, or uses one or more buildings for the storage of the equipment. The equipment and buildings must be  
25 valued at \$12,000 or more.

26 (f) that the fire company was properly established by a governing board. Documentation under this  
27 subsection ~~(6)~~ (1)(f) must consist of:

28 (i) a copy of the minutes of the meeting during which the governing board established the fire

1 company; or

2 (ii) if the meeting minutes are unavailable, a copy of its first filing with the county clerk pursuant to 7-  
3 33-2311.

4 (2) To be eligible to participate under this chapter, an emergency care provider company shall  
5 provide to the board documentation of the following:

6 (a) the emergency care provider company's name and mailing address;

7 (b) the name of the designated official;

8 (c) that the emergency care provider company maintains emergency care provider equipment that is  
9 in serviceable condition and owns, rents, or uses one or more buildings for the storage of the equipment or  
10 contracts with another entity for the procurement and use of sufficient equipment; and

11 (d) that the emergency care provider company is located within the boundaries of a local or tribal  
12 government entity that contributes funds in accordance with 19-17-301."

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14 **Section 6.** Section 19-17-110, MCA, is amended to read:

15 **"19-17-110. Allowable payments to volunteer firefighters and volunteer emergency care**

16 **providers.** (1) Allowable payments to volunteer firefighters and volunteer emergency care providers include:

17 (a) payments of money reimbursed for documented expenses; and

18 (b) an allowance, including a stipend or per diem, that may not exceed ~~\$3,000~~ \$5,000 in a calendar  
19 year.

20 (2) Compensation, as defined in 19-17-102, is not an allowable payment.

21 (3) Records of all payments and allowances must be maintained pursuant to 19-17-111."

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23 **Section 7.** Section 19-17-111, MCA, is amended to read:

24 **"19-17-111. Records information management.** (1) The chief or designated official of a fire  
25 company or an emergency care provider company shall maintain the records provided for in 19-17-108 and 19-  
26 17-110 for each active or inactive member of the fire company or emergency care provider company.

27 (2) Records must be maintained according to the state of Montana general records retention  
28 schedules, as published by the secretary of state pursuant to Title 2, chapter 6, part 11."

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**Section 8.** Section 19-17-112, MCA, is amended to read:

**"19-17-112. Filing required reports -- limitations.** (1) The chief or designated official of each fire company and emergency care provider company that claims eligibility under this chapter shall, on or before September 1 of each year, file with the board an annual certificate, the current year's roster, and a membership card for each new member.

(2) (a) The annual certificate is a form reporting a fire ~~company's~~ company or emergency care provider company's membership eligibility for the previous fiscal year.

(b) The annual certificate must be completed on a form prescribed by the board and contain the date of organization of the fire company or emergency care provider company and the full name and date of birth of each member of the fire company or emergency care provider company who was a member for the entire fiscal year and who successfully ~~completed 30 hours of training during the preceding fiscal year, as required by 19-17-108~~ met the requirements of 19-17-108.

(c) The chief or designated official shall subscribe and verify that the fire company or emergency care provider company and members qualified under 19-17-108 and 19-17-109.

(d) The board shall maintain the certificate for the purpose of establishing service for members and eligibility for benefits.

(3) The roster must be signed by the fire chief or designated official, filed with the board, and contain information in writing that provides the names of the fire company or emergency care provider company, its date of organization, officers, and roll of active and inactive members for the current fiscal year. A roster may be updated to report new members but may not be retroactive.

(4) A membership form must be completed and filed with the board for each member who was a member on or before July 1, 2011, and for each new member who joins after July 1, 2011.

(5) The current ~~fire~~ chief or designated official shall file any late or amended annual certificates and the associated certified training records within 3 years of the original annual certificate due date. An annual certificate may be amended only once. The board shall consider and may approve late filings. Information provided to the board by the ~~fire~~ chief or designated official must be in accordance with the board's rules.

(6) The current ~~fire~~ chief or designated official may request to appear before the board for



1 consideration of the request to file a late or amended annual certificate."

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3 **Section 9.** Section 19-17-113, MCA, is amended to read:

4 **"19-17-113. Corrections, audits, and penalties.** (1) If fraud or error results in a member, surviving  
5 spouse, or dependent child receiving more or less of a benefit than that to which the member, surviving spouse,  
6 or dependent child is entitled, then on the discovery of the error the board shall correct the credit for service  
7 and, if necessary, equitably adjust the payments.

8 (2) The board may require a fire company or emergency care provider company to furnish additional  
9 information concerning members in connection with an audit or a claim for benefits or service.

10 (3) Upon discovery of falsified information, the fire company or emergency care provider company  
11 shall submit any and all requested documentation to the board.

12 (4) A person required to make a statement or affidavit by this chapter who willfully falsifies the  
13 statement or affidavit or a person who files a false claim under this chapter is guilty of a misdemeanor and upon  
14 conviction shall be fined an amount not exceeding \$1,000 or be imprisoned for a term not exceeding 1 year, or  
15 both."

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17 **Section 10.** Section 19-17-205, MCA, is amended to read:

18 **"19-17-205. Payments to fire companies and emergency care provider companies maintaining**  
19 **supplemental insurance.** (1) To encourage and aid fire companies and emergency care provider companies  
20 to maintain supplemental insurance to provide benefits when members are injured or killed while performing  
21 duties as volunteer firefighters or volunteer emergency care providers, the board shall authorize payment of:

22 (a) \$75 per year for each motorized mobile unit of firefighting equipment, not to exceed \$150 per for  
23 each fire company per year ; or

24 (b) \$75 a year for each ambulance, not to exceed \$150 for each emergency care provider company.

25 (2) Payment must be a charge against the pension trust fund and must be paid to each fire company  
26 or emergency care provider company maintaining supplemental insurance or to the organization or agency  
27 maintaining supplemental insurance for a fire company or emergency care provider company."

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1           **Section 11.** Section 19-17-301, MCA, is amended to read:

2           **"19-17-301. Fire insurance premium tax and local funds to be paid into pension trust fund. (1)**

3           The state auditor shall annually pay from the general fund to the pension trust fund a sum equivalent to 5% of  
4           the premium taxes collected from insurers authorized to effect insurance against risks enumerated in 50-3-109.  
5           The sum must be computed before the amounts provided for by 19-13-604, and 19-18-512 are deducted.

6           (2) (a) To participate in the pension for volunteer emergency care providers provided for in this  
7           chapter, the governing body of a local or tribal government entity shall annually deposit to the pension trust fund  
8           \$10,000 from the funds distributed to the local government or tribal government entity as allowed in 10-4-306.

9           (i) is not a county; and

10           (ii) receives a distribution in accordance with 10-4-305 that is not sufficient to meet the funding  
11           requirement provided in subsection (2)(a).

12           (c) A local or tribal government entity that receives a distribution in accordance with 10-4-305 that is  
13           sufficient to meet the funding requirements of subsection (2)(a) may not request additional funds as allowed in  
14           subsection (2)(b).

15           (3) The money deposited as allowed in this section must be used for the payment of claims, benefits,  
16           and administrative costs as provided in this chapter. The money is statutorily appropriated as provided in 17-7-  
17           502."

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19           **Section 12.** Section 19-17-401, MCA, is amended to read:

20           **"19-17-401. Eligibility for pension benefits. (1)** To qualify for a full or partial pension benefit under  
21           this chapter, a member must meet the requirements of subsections (2) and (3).

22           (2) (a) For a full pension benefit, a member must have completed 20 years of service and must have  
23           attained 55 years of age, but need not be an active member of a fire company or emergency care provider  
24           company when 55 years of age is reached.

25           (b) A member who does not complete at least 20 years of service may qualify for a partial pension  
26           benefit if the member has completed at least 10 years of service and has attained 60 years of age, but need not  
27           be an active member of any fire company when 60 years of age is reached.

28           (3) Except as provided in 19-17-412:

1 (a) to receive a pension benefit, a volunteer firefighter or volunteer emergency care provider company  
2 may not be an active member of any fire company or emergency care provider company; and

3 (b) a volunteer firefighter or volunteer emergency care provider who receives a pension benefit under  
4 this chapter may not become an active member of any fire company or emergency care provider company."

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6 **Section 13.** Section 19-17-403, MCA, is amended to read:

7 **"19-17-403. Application for benefits.** (1) A member may, as provided in this section, apply for  
8 retirement benefits before terminating service, but commencement of the benefits must be as provided in 19-  
9 17-411.

10 (2) A member, surviving spouse, or dependent child shall apply for benefits on a form provided by the  
11 board.

12 (3) The application must contain:

13 (a) the name, address, and date of birth of the member, surviving spouse, or dependent child;

14 (b) the date of birth of the member;

15 (c) the date of the member's death, if applicable; and

16 (d) the fiscal years during which service as an active member is claimed and the names of the fire  
17 companies or emergency care provider companies with which the service was rendered.

18 (4) The board may require any proof of age, death, and service that it may consider proper, but it  
19 must accept a certificate properly completed and timely filed under 19-17-112 as prima facie proof of service."

20

21 **Section 14.** Section 19-17-406, MCA, is amended to read:

22 **"19-17-406. Termination of pension when no surviving spouse or child.** If a deceased volunteer  
23 firefighter or volunteer emergency care provider leaves neither a surviving spouse nor a child under 18 years of  
24 age, the ~~firefighter's~~ member's pension must terminate at the end of the month prior to the month in which the  
25 death occurs."

26

27 **Section 15.** Section 19-17-412, MCA, is amended to read:

28 **"19-17-412. Return to service.** (1) A retired member may return to service with a fire company or

1 emergency care provider company without loss of benefits.

2 (2) A retired member returning to service under this section is not considered an active member of the  
3 fire company or emergency care provider company and may not earn any additional credit for service.

4 (3) The ~~fire~~ chief or designated official shall prescribe the duties of any retired member returning to  
5 service."

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7 **Section 16.** Section 19-17-501, MCA, is amended to read:

8 **"19-17-501. Eligibility for medical and funeral expenses.** (1) To qualify for medical expenses under  
9 19-17-502, a volunteer firefighter or volunteer emergency care provider must be a member of an eligible fire  
10 company or emergency care provider company that is not covered by workers' compensation insurance and  
11 must be listed on the fire company or emergency care provider company roster in the year when the injury or  
12 illness occurs. The injury or illness must have occurred in the line of duty, as described in 19-17-105.

13 (2) To qualify for funeral expenses under 19-17-503, a volunteer firefighter or volunteer emergency  
14 care provider must, at the time of death, be a member of an eligible fire company and must be listed on the fire  
15 company ore emergency care provider company roster in the year the death occurs. The death must have  
16 occurred in the line of duty, as described in 19-17-105."

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18 **Section 17.** Section 19-17-502, MCA, is amended to read:

19 **"19-17-502. Medical expenses.** (1) A member who claims medical expenses under this section shall  
20 submit a report of injury and medical claim on a form provided by the board in accordance with the board's rules  
21 and a copy of the bill from the medical provider or a receipt for payment of medical expenses. The claim must  
22 be verified by the member and by competent medical authority. The claim must be submitted within 12 months  
23 from the date of incurring the injury or illness.

24 (2) The claim must contain:

25 (a) the name, social security number, and address of the member;

26 (b) the date, place, and manner of incurring the injury or illness;

27 (c) the name and address of the attending physician, surgeon, or nurse, if any;

28 (d) the dates of hospitalization, if hospitalized;

1 (e) an affidavit from the attending physician, surgeon, or nurse that describes the nature of the injury  
2 or illness, the number and dates of visits, and the expenses;

3 (f) if hospitalized, an affidavit from competent authority stating the nature of the injury or illness, the  
4 dates of hospitalization, and the expenses; and

5 (g) an affidavit from the chief or designated official of the fire company or emergency care provider  
6 company stating that the member was, at the time of the injury or illness, a member of the fire company or  
7 emergency care provider company and that the injury or illness was incurred in the line of duty as described in  
8 19-17-105.

9 (3) The board shall authorize payment of some or all medical expenses resulting from an injury or  
10 illness that was incurred in the line of duty as described in 19-17-105 and that required the services of a  
11 physician, surgeon, or nurse, whether or not the member was hospitalized. The payments must equal the  
12 member's necessary and reasonable out-of-pocket medical expenses that resulted directly from the injury or  
13 illness and that were billed within 36 months following the date of the injury or illness.

14 (4) A total claim filed pursuant to subsection (1) may not exceed \$25,000.

15 (5) If an injury incurred in the line of duty results in the loss by amputation of an arm, hand, leg, or  
16 foot, the enucleation of an eye, or the loss of any natural teeth, the board shall authorize either a payment for  
17 the cost of a prosthesis or a payment of \$1,500 to help defray the cost of a prosthesis, whichever is less.

18 (6) The prosthesis may be replaced when necessary, but not more often than every 60 months. The  
19 board shall authorize payment of not more than \$1,500 of the replacement costs."

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21 **Section 18.** Section 19-17-503, MCA, is amended to read:

22 **"19-17-503. Funeral expenses.** (1) A person claiming the funeral expenses under this section shall  
23 submit a claim form, the death certificate, and either a copy of the bill from the funeral director or a receipt for  
24 payment of the funeral expenses. The claim must be submitted on a form provided by the board, in accordance  
25 with the board's rules, and must be verified by the claimant. The claim must be filed with the board within 12  
26 months from the member's date of death.

27 (2) The claim must contain:

28 (a) the name, social security number, and address of the member; and

1 (b) an affidavit from the chief or designated official of the fire company or emergency care provider  
2 company stating that the member was, at the time of death, a member of the fire company or volunteer  
3 emergency care provider company and that the death occurred in the line of duty as described in 19-17-105.

4 (3) When a claim under this section is received and approved by the board, payment of reasonable  
5 expenses or \$1,500, whichever is less, to help defray the funeral expense of the member whose death  
6 occurred in the line of duty, as described in 19-17-105, must be made directly to the appropriate provider of the  
7 funeral services or, if a receipt is provided for the full payment of funeral expenses, to the claimant."

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9 **Section 19.** Section 19-17-601, MCA, is amended to read:

10 **"19-17-601. Eligibility for disability benefits.** (1) To qualify for a disability benefit under this chapter,  
11 a member must meet the requirements of subsections (2) and (3).

12 (2) A member of a fire company or emergency care provider company whose duty-related injury  
13 results in permanent total disability, as defined in 39-71-116 and determined pursuant to 19-17-603, is eligible,  
14 regardless of age or service, to receive a disability benefit.

15 (3) A member who receives a disability benefit may not return to service, either active or inactive, with  
16 any fire company or emergency care provider company."

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18 **Section 20.** Section 27-1-714, MCA, is amended to read:

19 **"27-1-714. Limits on liability for emergency care rendered at scene of accident or emergency.**

20 (1) Any person licensed as a physician and surgeon under the laws of the state of Montana, any volunteer  
21 firefighter or officer of any nonprofit volunteer fire company, any search and rescue volunteer, or any other  
22 person who in good faith renders emergency care or assistance without compensation except as provided in  
23 subsection (2) at the scene of an emergency or accident is not liable for any civil damages for acts or omissions  
24 other than damages occasioned by gross negligence or by willful or wanton acts or omissions by the person in  
25 rendering the emergency care or assistance.

26 (2) Subsection (1) includes a person properly trained under the laws of this state who operates an  
27 ambulance to and from the scene of an emergency or renders emergency medical treatment on a volunteer  
28 basis so long as the total reimbursement received for the volunteer services does not exceed 25% of the

1 person's gross annual income or ~~\$3,000~~ \$5,000 a calendar year, whichever is greater. Reimbursement for  
2 search and rescue expenses is not compensation for purposes of this section.

3 (3) If a nonprofit subscription fire company refuses to fight a fire on nonsubscriber property, the  
4 refusal does not constitute gross negligence or a willful or wanton act or omission."  
5

6 NEW SECTION. Section 21. Notification to tribal governments. The secretary of state shall send a  
7 copy of [this act] to each federally recognized tribal government in Montana.  
8

9 NEW SECTION. Section 22. Contingent voidness. If (1) The public employees' retirement board  
10 shall, as soon as possible, request in writing a ruling or determination from the commissioner of internal  
11 revenue as to whether the changes to the Volunteer Firefighters' Compensation Act contained in [sections 2  
12 through 19] are consistent with and would allow for the contained tax qualification of the Volunteer Firefighters'  
13 Compensation Act under applicable provisions pursuant to section 457(e)(11)(B) of the Internal Revenue  
14 Code. The board shall immediately notify the secretary of state and the code commissioner when the  
15 commissioner of internal revenue has issued a ruling or determination.

16 (2) If the internal revenue service ruling or determination is not favorable, [sections 2 through 19] are  
17 void.  
18

19 NEW SECTION. Section 23. Effective dates. (1) Except as provided in subsection (2), [this act] is  
20 effective July 1, 2021.

21 (2) [Sections 2 through 19] are effective on the date that the secretary of state receives certification  
22 from the public employees' retirement board pursuant to [section 22] that the commissioner of internal revenue  
23 has determined that the changes to the Volunteer Firefighters' Compensation Act pursuant to [sections 2  
24 through 19] allows the Volunteer Firefighters' Compensation Act to remain qualified for a tax exemption  
25 pursuant to section 457(e)(11)(B) of the Internal Revenue Code.  
26

- END -