



AN ACT AUTHORIZING A COUNTY, A CONSOLIDATED GOVERNMENT, OR A MUNICIPALITY TO ESTABLISH A VOLUNTEER FIREFIGHTERS' DISABILITY INCOME INSURANCE ACCOUNT; AUTHORIZING A COUNTY, A CONSOLIDATED GOVERNMENT, OR A MUNICIPALITY TO LEVY A TAX, SUBJECT TO VOTER APPROVAL, ON PROPERTY TO PURCHASE DISABILITY INCOME INSURANCE COVERAGE FOR VOLUNTEER FIREFIGHTERS; AMENDING SECTIONS 7-33-2109, 7-33-2209, 7-33-2403, 7-33-4109, AND 7-33-4111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Disability income insurance authorized -- voted levy -- fund. (1) Disability income insurance, as defined in 33-1-235, purchased for volunteer firefighters must provide that:

- (a) payments or benefits are paid only for an injury received as a volunteer firefighter; and
- (b) the duration of payments or benefits may not exceed the lesser of 1 year or until the treating physician determines that the beneficiary is no longer disabled.

(2) If the voters have approved a levy for the purchase of volunteer firefighters' disability income insurance, the governing body of a local government entity may establish a volunteer firefighters' disability income insurance account. The governing body may hold money in the account for any time period considered appropriate by the governing body. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(3) Money may be expended from the account to purchase disability income insurance coverage meeting the provisions of subsection (1) for volunteer firefighters organized or deployed pursuant to any of the provisions of Title 7, chapter 33, parts 21 through 24 or 41.

(4) Money in the account must be invested as provided by law. Interest and income from the investment of money in the account must be credited to the account.

Section 2. Section 7-33-2109, MCA, is amended to read:

"7-33-2109. Tax levy, debt incurrence, and bonds authorized -- voted levy for 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 ~~special~~ 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 ~~the purpose of~~ 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 [section 1].

~~(2)~~(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(3), to secure financing necessary to procure equipment and buildings, including real property, to house the equipment.

~~(3)~~(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.

~~(4)~~(5) The amount of debt incurred pursuant to subsection ~~(2)~~ (3) and the amount of bonds issued pursuant to subsection ~~(3)~~ (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.

~~(5)~~(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."

Section 3. Section 7-33-2209, MCA, is amended to read:

"7-33-2209. Finance of fire control activities -- voted levy for disability income insurance. (1) The county governing body may appropriate funds for the purchase, care, and maintenance of firefighting equipment or for the payment of wages in prevention, detection, and suppression of fires.

(2) Subject to 15-10-420, if the general fund is budgeted to the full limit, the county governing body may, at any time fixed by law for levy and assessment of taxes, levy a tax for the purposes of subsection (1).

(3) Subject to 15-10-425, the county governing body may levy a tax for the purpose of purchasing disability income insurance coverage for volunteer firefighters of volunteer rural fire control crews and county

volunteer fire companies as provided in [section 1]."

Section 4. Section 7-33-2403, MCA, is amended to read:

"7-33-2403. Operation of fire service area -- voted levy for 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 [section 1].

~~(2)~~(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."

Section 5. Section 7-33-4109, MCA, is amended to read:

"7-33-4109. Supplementary volunteer fire department authorized for cities of second class -- voted levy for disability income insurance. (1) In addition to a paid department, the city council, city commission, or other governing body in cities of the second class may make provision for a volunteer fire department.

(2) The city commission or governing department ~~shall be~~ is exempted ~~as to~~ from compliance with 7-33-4128 ~~insofar as the same may pertain to the extent that section applies to the said~~ volunteer fire department by way of penalties and infringements.

(3) A volunteer is ~~one who~~ is an enrolled member of the volunteer fire department, ~~and~~ and assists the paid fire department; ~~who~~ and is eligible to serve only on the board of trustees of the fire department relief association of ~~such the city.~~ (provided However, not more than three volunteer members ~~are~~ may be on ~~said the~~ board of trustees); ~~but who shall not be.~~ A person who is a volunteer for the purposes of this section is not entitled to receive a service pension.

(4) The governing body of ~~said~~ the city may:

(a) ~~at its discretion~~ pay an enrolled volunteer firefighter a minimum of \$1 for attending a fire and a minimum of \$1 for each hour or fraction of an hour after the first hour in active service at ~~said~~ a fire or returning ~~any or all~~ equipment to its proper place;

(b) subject to 15-10-425, levy a tax upon all property within a fire district for the purpose of buying disability income insurance coverage for the volunteer firefighters of the volunteer fire department as provided in [section 1].

(5) In ~~the~~ attending of fires, any volunteer shall act and serve under the supervision of the chief of the paid fire department."

Section 6. Section 7-33-4111, MCA, is amended to read:

"7-33-4111. Tax levy for volunteer fire departments -- voted levy for disability income insurance.

(1) For the purpose of supporting volunteer fire departments in any city or town that does not have a paid fire department and for the purpose of purchasing the necessary equipment for them, the council in any city or town may, subject to 15-10-420, levy, in addition to other levies permitted by law, a tax on the taxable value of all taxable property in the city or town.

(2) Subject to 15-10-425, a city or town may levy a tax on the taxable value of all taxable property in the city or town for the purpose of purchasing disability income insurance coverage for volunteer firefighters of volunteer fire departments as provided in [section 1]."

Section 7. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 6, part 6, and the provisions of Title 7, chapter 6, part 6, apply to [section 1].

Section 8. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0337, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 337

INTRODUCED BY COHENOUR, NOONAN, MENDENHALL, ERICKSON, POMNICHOWSKI, EBINGER,
FRENCH, HAMILTON, SMITH, BERGREN, GEBHARDT, SANDS, J. TROPILA, JOPEK, SONJU, KEANE,
PERRY, STEINBEISSER, BLACK, STORY

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