



AN ACT REVISING LAWS GOVERNING MUTUAL AID AGREEMENTS FOR PROTECTION AGAINST DISASTERS, INCIDENTS, AND EMERGENCIES; INCLUDING GOVERNING BODIES OF FIRE PROTECTION SERVICES, EMERGENCY MEDICAL CARE PROVIDERS, AND LOCAL GOVERNMENT SUBDIVISIONS AS ENTITIES THAT MAY PARTICIPATE IN CERTAIN MUTUAL AID AGREEMENTS AND FROM WHICH ASSISTANCE MAY BE REQUESTED; AMENDING SECTIONS 7-33-2108, 7-33-2202, 7-33-2405, 7-33-4112, 10-3-202, 10-3-209, 10-3-1102, AND 10-3-1103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

**Section 1.** Section 7-33-2108, MCA, is amended to read:

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

(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; ~~and~~
- (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", or and "emergencies" ~~has the meaning ascribed to the term~~ have the meanings provided in 10-3-103."

**Section 2.** Section 7-33-2202, MCA, is amended to read:

**"7-33-2202. Functions of county governing body.** The county governing body, with respect to rural fire control, shall carry out the specific authorities and duties imposed in this section:

(1) The governing body shall:

- (a) provide for the organization of volunteer rural fire control crews; and
- (b) provide for the formation of county volunteer fire companies.

(2) The governing body shall appoint a county rural fire chief and ~~such~~ district rural fire chiefs, subject to the direction and supervision of the county rural fire chief, ~~as~~ that it considers necessary.

(3) The county governing body shall, within the limitations of 7-33-2205 through 7-33-2209, protect the range, farm, and forest lands within the county from fire.

(4) The county governing body may enter into mutual aid agreements for itself and for county volunteer fire companies with:

- (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; ~~or~~
- (h) governing bodies of other political subdivisions in Montana; or
- (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.

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

**Section 3.** Section 7-33-2405, MCA, is amended to read:

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

(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; ~~and~~
- (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", ~~or and~~ "emergencies" ~~has the meaning ascribed to the term~~ have the meanings provided in 10-3-103.

**Section 4.** Section 7-33-4112, MCA, is amended to read:

**"7-33-4112. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual aid agreement is an agreement for protection against ~~natural~~ disasters, incidents, or emergencies ~~or disasters, incidents, or emergencies caused by persons.~~

(2) Councils or commissions of incorporated municipalities may enter mutual aid agreements with the proper authority of:

- (a) other incorporated municipalities;
- (b) fire districts;
- (c) unincorporated municipalities;
- (d) state agencies;
- (e) private fire prevention agencies;
- (f) federal agencies;

(g) fire service areas; ~~or~~

(h) the governing body of other political subdivisions; or

(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 council or commission has not concluded a mutual aid agreement, the council or commission, a representative of the council or commission, or an incident commander may request assistance pursuant to 10-3-209.

(4) As used in this section, "incidents", the terms "disasters", or "emergencies" has the meaning ascribed to the term, or "incidents" have the meanings provided in 10-3-103."

**Section 5.** Section 10-3-202, MCA, is amended to read:

**"10-3-202. Mutual aid -- cooperation.** (1) ~~Political subdivisions, fire districts, fire service areas, and fire companies in unincorporated places~~ and governmental fire agencies organized under Title 7, chapter 33, must be encouraged and assisted by the division to conclude mutual aid arrangements with other public and private agencies within this state or any other state or the United States pursuant to Title 10, chapter 3, part 11, for reciprocal aid and assistance in coping with incidents, emergencies, and disasters.

(2) In reviewing disaster and emergency plans and programs of political subdivisions, the division shall consider whether they contain adequate provisions for the reciprocal mutual aid.

(3) Local and interjurisdictional disaster and emergency agencies may assist in negotiation of reciprocal mutual aid agreements between the governor and the adjoining states (including foreign states or provinces) or political subdivisions of adjoining states and shall carry out arrangements of any of the agreements relating to the local and political subdivision.

(4) In providing assistance under parts 1 through 4 of this chapter, state departments and agencies shall cooperate to the fullest extent possible with each other and with local governments and relief agencies such as the American ~~national~~ red cross. Parts 1 through 4 of this chapter do not list or in any way affect the responsibilities of the American ~~national~~ red cross under ~~the act approved January 5, 1905 (33 Stat. 559), as amended~~ its congressional charter."

**Section 6.** Section 10-3-209, MCA, is amended to read:

**"10-3-209. Political subdivision requests for assistance -- application to fire districts, fire service**

**areas, and fire companies in unincorporated places -- immunity.** (1) If an incident, emergency, or disaster occurs in a political subdivision that has not concluded a mutual aid agreement pursuant to 10-3-202, the local or interjurisdictional agency, incident commander, or principal executive officer of the political subdivision may request assistance from another public or private agency.

(2) (a) The following individuals or entities may request assistance with an incident, emergency, or disaster if a mutual aid agreement has not been concluded for protection of the area within the jurisdiction of these individuals or entities:

(i) the trustees of a rural fire district created pursuant to Title 7, chapter 33, part 21, a representative of the trustees, or an incident commander for the district;

(ii) the chief of a rural fire company organized pursuant to 7-33-2311 or an incident commander for the chief;

(iii) the governing body of a fire service area created pursuant to Title 7, chapter 33, part 24, a representative of the governing body, or an incident commander for the area.

(b) A request for assistance by an individual or entity under subsection (2)(a) may be made to any of the following:

(i) a fire district;

(ii) an unincorporated municipality;

(iii) an incorporated municipality;

(iv) a state agency;

(v) a private fire prevention agency;

(vi) an agency of the federal government;

(vii) a fire service area; ~~or~~

(viii) the governing body of a political subdivision; or

(ix) the governing bodies of fire protection services, emergency medical care providers, and local government subdivisions of any other state or the United States pursuant to part 11 of this chapter.

(3) A public or private agency receiving a request pursuant to subsection (1) or (2) shall determine if it will provide the requested assistance; ~~or if it will provide other assistance;~~ and shall inform the requesting local or interjurisdictional agency, principal executive officer, incident commander, or other individual or entity making the request, as soon as possible, of that determination. The nature and extent of assistance provided by a public or private agency may be determined only by that public or private agency.

(4) The incident commander of the local or interjurisdictional agency making a request for assistance has overall responsibility for command of the resources provided by a public or private agency responding to a request. However, operational control of individual pieces of equipment and personnel furnished by the responding public or private agency remains with that agency.

(5) This section does not waive an immunity or limitation on liability applicable to any of the following entities or individuals requesting or receiving assistance pursuant to this section:

- (a) a fire district;
- (b) a fire service area;
- (c) a fire company;
- (d) an unincorporated municipality, town, or village;
- (e) a political subdivision; or
- (f) an agent, employee, representative, or volunteer of an entity listed in this subsection."

**Section 7.** Section 10-3-1102, MCA, is amended to read:

**"10-3-1102. Purpose.** It is the purpose of this part to permit one or more fire protection services, emergency medical care providers, or local government subdivisions of this state to enter into mutual aid agreements, on the basis of mutual advantage, with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States in order to facilitate and coordinate efficient, cooperative firefighting efforts directed toward protection of life and property in areas transcending state boundaries that, due to geographic remoteness, population sparsity, and economic or other factors, are in need of ~~such~~ those services."

**Section 8.** Section 10-3-1103, MCA, is amended to read:

**"10-3-1103. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Emergency medical care provider" means a local government subdivision or other entity, whether public or private, licensed by the state to provide emergency medical services pursuant to Title 50, chapter 6.

(2) "Fire protection service" means a ~~paid or volunteer fire department, fire company, governmental fire agency organized under Title 7, chapter 33, or other another~~ fire suppression entity organized under the laws of this state, any ~~party other~~ other state, or an agency of the government of the United States.

(3) "Local government subdivision" means the local governmental entity, other than state government, including but not limited to incorporated towns and cities, townships, and counties.

(4) "Mutual aid agreement" or "agreement" means an agreement, consistent with the purposes of this part, by one or more fire protection services, emergency medical care providers, or local government subdivisions of this state with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States.

(5) "Party emergency service" means a fire protection service, emergency medical care provider, local government subdivision, or agency of the United States that is a party to a mutual aid agreement as ~~set forth~~ provided in this part."

**Section 9. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
SB 0102, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.



SENATE BILL NO. 102  
INTRODUCED BY G. LIND  
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

AN ACT REVISING LAWS GOVERNING MUTUAL AID AGREEMENTS FOR PROTECTION AGAINST DISASTERS, INCIDENTS, AND EMERGENCIES; INCLUDING GOVERNING BODIES OF FIRE PROTECTION SERVICES, EMERGENCY MEDICAL CARE PROVIDERS, AND LOCAL GOVERNMENT SUBDIVISIONS AS ENTITIES THAT MAY PARTICIPATE IN CERTAIN MUTUAL AID AGREEMENTS AND FROM WHICH ASSISTANCE MAY BE REQUESTED; AMENDING SECTIONS 7-33-2108, 7-33-2202, 7-33-2405, 7-33-4112, 10-3-202, 10-3-209, 10-3-1102, AND 10-3-1103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

