

1 HOUSE BILL NO. 421

2 INTRODUCED BY J. HINKLE

3

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 10-4-108, 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; AND PROVIDING AN EFFECTIVE DATE."

16

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

18

19 **Section 1.** Section 10-4-108, 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."

1

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

3 **"19-17-102. Definitions.** Unless the context requires otherwise, the following definitions apply in this
4 chapter:

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

7 (2) "Allowance" means a total monetary and gift amount that is available to a volunteer firefighter from
8 a fire company or a volunteer emergency care provider from an emergency care provider pursuant to 19-17-
9 110.

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

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

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

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

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

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

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

20 (8) "Designated official" means;

21 (a) a representative of a fire company appointed by the fire chief to perform specified actions and
22 includes but is not limited to a fire company supervisor, a fire company secretary, and a fire company presiding
23 officer as described in 7-33-2312; or

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

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

28 (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 ~~(10)~~(11) "Fire company" means an organization of volunteer firefighters created under the authority of
7 a governing board or commission to serve an unincorporated area, town, or village.

8 ~~(14)~~(12) "Fiscal year" means the 12-month period that begins on July 1 and ends on June 30 of the
9 following year.

10 ~~(12)~~(13) "Inactive member" means a member not credited with service under this chapter as provided
11 in 19-17-108 during the most recently reportable fiscal year.

12 ~~(13)~~(14) "Member" means a volunteer firefighter or volunteer emergency care provider who has service
13 credited under this chapter.

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

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

18 ~~(16)~~(17) "Reimbursed" means the return by a fire company or emergency care provider company of an
19 equivalent amount of money expended by a member for the benefit of the fire company or emergency care
20 provider company.

21 ~~(17)~~(18) "Retiree" or "retired member" means a member who is receiving full or partial pension benefits
22 or disability benefits from the pension trust fund.

23 ~~(18)~~(19) "Supplemental insurance" means insurance that is carried by a fire company or emergency
24 care provider company for the purposes of providing disability or death benefits. Supplemental insurance does
25 not include any insurance required by law, such as workers' compensation insurance.

26 ~~(19)~~(20) "Surviving spouse" means the spouse married to a member when the member dies.

27 ~~(20)~~(21) "Survivorship benefit" means the monthly benefit paid to the surviving spouse or dependent
28 child of a deceased member.

1 ~~(21)~~(22) "Training" means instruction pertaining to firefighting that is supervised by the chief or a
2 designated official.

3 (23) "Volunteer emergency care provider" means an individual who:

4 (a) is licensed pursuant to Title 50, chapter 6, part 2, and provides out-of-hospital, emergency medical
5 or community-integrated health care or interfacility transport for an emergency medical service; and

6 (b) does not receive a regular salary or wage to provide emergency care provider services.

7 ~~(22)~~(24) "Volunteer firefighter" means a person who is a member of an eligible fire company and is not
8 compensated for services as a firefighter."

9

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

11 **"19-17-105. Duties of volunteer firefighters and emergency care providers.** (1) The duties of a
12 volunteer firefighter include any activity authorized by an officer of the fire company relating to travel to,
13 participation in, and return from calls for fire protection, fire company meetings, training, medical assistance,
14 search and rescue assistance, public service activities, such as parades, and calls for assistance to protect
15 individual or public health and safety.

16 (2) The duties of a volunteer emergency care provider include any activity relating to travel to,
17 participation in, and return from calls for emergency medical care, community-integrated health care,
18 interfacility transport, training, public service activities, and calls for assistance to protect individual public health
19 and safety."

20

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

22 **"19-17-108. Credit for service as volunteer firefighter or volunteer emergency care provider --**
23 **records.** (1) The annual period of service that may be credited under this chapter is the fiscal year. A fractional
24 part of a year may not count toward the service required for participation in this system. ~~To~~ A member must
25 continue to meet the requirements of 19-17-109 to be eligible to receive credit for any particular year and;

26 (a) __a volunteer firefighter shall serve throughout the entire fiscal year with a single fire company that
27 is organized under Title 7, chapter 33, and continues to meet the requirements of 19-17-109; and

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

1 company throughout the entire fiscal year.

2 (2) The years of service are cumulative and need not be continuous. Separate periods of service
3 properly credited with different fire companies or emergency care provider companies must be credited toward
4 a member's eligibility for benefits.

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

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

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

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

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

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

17

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

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

21 ~~(1)~~(a) the fire company's name and mailing address;

22 ~~(2)~~(b) the name of the fire chief and designated official, if any;

23 ~~(3)~~(c) the portion of the fire district serviced by the fire company;

24 ~~(4)~~(d) that the area serviced is located in an unincorporated area;

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

28 ~~(6)~~(f) that the fire company was properly established by a governing board. Documentation under this

1 subsection ~~(6)~~ (1)(f) must consist of:

2 ~~(a)~~(i) a copy of the minutes of the meeting during which the governing board established the fire
3 company; or

4 ~~(b)~~(ii) if the meeting minutes are unavailable, a copy of its first filing with the county clerk pursuant to 7-
5 33-2311.

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

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

9 (b) the name of the designated official;

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

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

15

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

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

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

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

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

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

23 (3) Records of all payments and allowances must be maintained pursuant to 19-17-111."
24

24

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

26 **"19-17-111. Records information management.** (1) The chief or designated official of a fire

27 company or emergency care provider company shall maintain the records provided for in 19-17-108 and 19-17-

28 110 for each active or inactive member of the fire company or emergency care provider company.

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

3

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

5 **"19-17-112. Filing required reports -- limitations.** (1) The chief or designated official of each fire
6 company and emergency care provider company that claims eligibility under this chapter shall, on or before
7 September 1 of each year, file with the board an annual certificate, the current year's roster, and a membership
8 card for each new member.

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

11 (b) The annual certificate must be completed on a form prescribed by the board and contain the date
12 of organization of the fire company or emergency care provider company and the full name and date of birth of
13 each member of the fire company or emergency care provider company who was a member for the entire fiscal
14 year and who successfully ~~completed 30 hours of training during the preceding fiscal year, as required by 19-~~
15 ~~17-108~~ met the requirements of 19-17-108.

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

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

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

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

26 (5) The current ~~fire~~ chief or designated official shall file any late or amended annual certificates and
27 the associated certified training records within 3 years of the original annual certificate due date. An annual
28 certificate may be amended only once. The board shall consider and may approve late filings. Information

1 provided to the board by the ~~fire~~ chief or designated official must be in accordance with the board's rules.

2 (6) The current ~~fire~~ chief or designated official may request to appear before the board for
3 consideration of the request to file a late or amended annual certificate."
4

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

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

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

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

14 (4) A person required to make a statement or affidavit by this chapter who willfully falsifies the
15 statement or affidavit or a person who files a false claim under this chapter is guilty of a misdemeanor and upon
16 conviction shall be fined an amount not exceeding \$1,000 or be imprisoned for a term not exceeding 1 year, or
17 both."
18

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

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

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

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

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

1 maintaining supplemental insurance for a fire company or emergency care provider company."

2

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

4 **"19-17-301. Fire insurance premium tax and local funds to be paid into pension trust fund. (1)**

5 The state auditor shall annually pay from the general fund to the pension trust fund a sum equivalent to 5% of
6 the premium taxes collected from insurers authorized to effect insurance against risks enumerated in 50-3-109.

7 The sum must be computed before the amounts provided for by 19-13-604, and 19-18-512 are deducted.

8 (2) (a) To participate in the pension for volunteer emergency care providers provided for in this
9 chapter, the governing body of a local or tribal government entity shall annually deposit to the pension trust fund
10 \$10,000 from the funds distributed to the local government or tribal government entity as allowed in 10-4-305.

11 (b) Except as provided in subsection (2)(c), a local or tribal government entity may request from the
12 county in which the local or tribal government entity resides an amount equal to meet the funding requirement
13 provided for in subsection (2)(a) if the local or tribal government entity:

14 (i) is not a county; and

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

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

20 (3) The money deposited as allowed in this section must be used for the payment of claims, benefits,
21 and administrative costs as provided in this chapter. The money is statutorily appropriated as provided in 17-7-
22 502."

23

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

25 **"19-17-401. Eligibility for pension benefits. (1)** To qualify for a full or partial pension benefit under
26 this chapter, a member must meet the requirements of subsections (2) and (3).

27 (2) (a) For a full pension benefit, a member must have completed 20 years of service and must have
28 attained 55 years of age, but need not be an active member of a fire company or emergency care provider

1 company when 55 years of age is reached.

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

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

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

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

11

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

13 **"19-17-403. Application for benefits.** (1) A member may, as provided in this section, apply for
14 retirement benefits before terminating service, but commencement of the benefits must be as provided in 19-
15 17-411.

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

18 (3) The application must contain:

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

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

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

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

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

26

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

28 **"19-17-406. Termination of pension when no surviving spouse or child.** If a deceased volunteer

1 firefighter or volunteer emergency care provider leaves neither a surviving spouse nor a child under 18 years of
2 age, the ~~firefighter's~~ member's pension must terminate at the end of the month prior to the month in which the
3 death occurs."
4

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

6 **"19-17-412. Return to service.** (1) A retired member may return to service with a fire company or
7 emergency care provider company without loss of benefits.

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

10 (3) The ~~fire~~ chief or designated official shall prescribe the duties of any retired member returning to
11 service."
12

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

14 **"19-17-501. Eligibility for medical and funeral expenses.** (1) To qualify for medical expenses under
15 19-17-502, a volunteer firefighter or volunteer emergency care provider must be a member of an eligible fire
16 company or emergency care provider company that is not covered by workers' compensation insurance and
17 must be listed on the fire company or emergency care provider company roster in the year when the injury or
18 illness occurs. The injury or illness must have occurred in the line of duty, as described in 19-17-105.

19 (2) To qualify for funeral expenses under 19-17-503, a volunteer firefighter or volunteer emergency
20 care provider must, at the time of death, be a member of an eligible fire company or emergency care provider
21 company and must be listed on the fire company or emergency care provider company roster in the year the
22 death occurs. The death must have occurred in the line of duty, as described in 19-17-105."
23

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

25 **"19-17-502. Medical expenses.** (1) A member who claims medical expenses under this section shall
26 submit a report of injury and medical claim on a form provided by the board in accordance with the board's rules
27 and a copy of the bill from the medical provider or a receipt for payment of medical expenses. The claim must
28 be verified by the member and by competent medical authority. The claim must be submitted within 12 months

1 from the date of incurring the injury or illness.

2 (2) The claim must contain:

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

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

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

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

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

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

11 (g) an affidavit from the chief or designated official of the fire company or emergency care provider
12 company stating that the member was, at the time of the injury or illness, a member of the fire company or
13 emergency care provider company and that the injury or illness was incurred in the line of duty as described in
14 19-17-105.

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

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

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

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

26

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

28 **"19-17-503. Funeral expenses.** (1) A person claiming the funeral expenses under this section shall

1 submit a claim form, the death certificate, and either a copy of the bill from the funeral director or a receipt for
2 payment of the funeral expenses. The claim must be submitted on a form provided by the board, in accordance
3 with the board's rules, and must be verified by the claimant. The claim must be filed with the board within 12
4 months from the member's date of death.

5 (2) The claim must contain:

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

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

10 (3) When a claim under this section is received and approved by the board, payment of reasonable
11 expenses or \$1,500, whichever is less, to help defray the funeral expense of the member whose death
12 occurred in the line of duty, as described in 19-17-105, must be made directly to the appropriate provider of the
13 funeral services or, if a receipt is provided for the full payment of funeral expenses, to the claimant."
14

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

16 **"19-17-601. Eligibility for disability benefits.** (1) To qualify for a disability benefit under this chapter,
17 a member must meet the requirements of subsections (2) and (3).

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

21 (3) A member who receives a disability benefit may not return to service, either active or inactive, with
22 any fire company or emergency care provider company."
23

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

25 **"27-1-714. Limits on liability for emergency care rendered at scene of accident or emergency.**

26 (1) Any person licensed as a physician and surgeon under the laws of the state of Montana, any volunteer
27 firefighter or officer of any nonprofit volunteer fire company, any search and rescue volunteer, or any other
28 person who in good faith renders emergency care or assistance without compensation except as provided in

1 subsection (2) at the scene of an emergency or accident is not liable for any civil damages for acts or omissions
2 other than damages occasioned by gross negligence or by willful or wanton acts or omissions by the person in
3 rendering the emergency care or assistance.

4 (2) Subsection (1) includes a person properly trained under the laws of this state who operates an
5 ambulance to and from the scene of an emergency or renders emergency medical treatment on a volunteer
6 basis so long as the total reimbursement received for the volunteer services does not exceed 25% of the
7 person's gross annual income or ~~\$3,000~~ \$5,000 a calendar year, whichever is greater. Reimbursement for
8 search and rescue expenses is not compensation for purposes of this section.

9 (3) If a nonprofit subscription fire company refuses to fight a fire on nonsubscriber property, the
10 refusal does not constitute gross negligence or a willful or wanton act or omission."
11

12 **NEW SECTION. Section 21. Notification to tribal governments.** The secretary of state shall send a
13 copy of [this act] to each federally recognized tribal government in Montana.
14

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

22 (2) If the internal revenue service ruling or determination is not favorable, [sections 2 through 19] are
23 void.
24

25 **NEW SECTION. Section 23. Effective date.** (1) Except as provided in subsection (2), [this act] is
26 effective July 1, 2021.

27 (2) [Sections 2 through 19] are effective on the date that the secretary of state receives certification
28 from the public employees' retirement board pursuant to [section 22] that the commissioner of internal revenue

1 has determined that the changes to the Volunteer Firefighters' Compensation Act pursuant to [sections 2
2 through 19] allows the Volunteer Firefighters' Compensation Act to remain qualified for a tax exemption
3 pursuant to section 457(e)(11)(B) of the Internal Revenue Code.

4 - END -