

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 GOVERNMENT ENTITY TO CONTRIBUTE ~~OR TRIBAL GOVERNMENT ENTITY TO DEPOSIT A~~
 8 ~~PORTION OF 9-1-4~~ FUNDING TO PROVIDE FOR VOLUNTEER EMERGENCY CARE PROVIDER
 9 PENSIONS; DEFINING THE DUTIES OF A VOLUNTEER EMERGENCY CARE PROVIDER; DEFINING THE
 10 ELIGIBILITY REQUIREMENTS OF AN EMERGENCY CARE PROVIDER COMPANY TO QUALIFY TO
 11 PARTICIPATE IN THE PENSION PROGRAM; PROVIDING A SPECIAL REVENUE ACCOUNT FOR
 12 DONATIONS TO BE COLLECTED FOR THE SUPPORT OF VOLUNTEER EMERGENCY CARE
 13 PROVIDERS; INCREASING REIMBURSEMENT LIMITS FOR A PERSON TO RECEIVE PROTECTIONS
 14 UNDER THE GOOD SAMARITAN LAW; AMENDING SECTIONS ~~40-4-408,~~ 17-7-502, 19-17-102, 19-17-105,
 15 19-17-108, 19-17-109, 19-17-110, 19-17-111, 19-17-112, 19-17-113, 19-17-205, 19-17-301, 19-17-401, 19-17-
 16 403, 19-17-406, 19-17-412, 19-17-501, 19-17-502, 19-17-503, 19-17-601, AND 27-1-714, MCA; PROVIDING
 17 FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE."

18

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

20

21 NEW SECTION. SECTION 1. ACCOUNT FOR VOLUNTEER EMERGENCY CARE PROVIDER SUPPORT. (1) (A)
 22 SUBJECT TO LEGISLATIVE FUND TRANSFER, THERE IS A SPECIAL REVENUE ACCOUNT WITHIN THE STATE SPECIAL
 23 REVENUE FUND ESTABLISHED IN 17-2-102 FOR VOLUNTEER EMERGENCY CARE PROVIDER SUPPORT.

24 (B) THERE MUST BE DEPOSITED IN THE ACCOUNT ALL MONETARY CONTRIBUTIONS, GIFTS, AND DONATIONS
 25 FOR THE PURPOSES OF PROVIDING LICENSURE, TRAINING, EQUIPMENT, AND OTHER MATERIALS NECESSARY FOR THE
 26 OPERATION OF A VOLUNTEER EMERGENCY CARE PROVIDER COMPANY AS DEFINED IN 19-17-102.

27 (C) MONEY IN THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE
 28 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND MAY BE USED ONLY FOR THOSE PURPOSES PROVIDED IN

1 THIS SECTION.

2 (2) A VOLUNTEER EMERGENCY CARE PROVIDER COMPANY MAY REQUEST TO RECEIVE FUNDING FROM THE
 3 SPECIAL REVENUE ACCOUNT CREATED IN THIS SECTION TO PROVIDE ADDITIONAL SUPPORT, EQUIPMENT, OR TRAINING OR
 4 TO COVER FEES REQUIRED FOR THE LICENSURE OF VOLUNTEER EMERGENCY CARE PROVIDERS.

5

6 **Section 1.** Section 10-4-108, MCA, is amended to read:

7 ~~"10-4-108.— Rulemaking authority. (1) The department shall adopt rules to implement the provisions~~
 8 ~~of this chapter. The rules must include but are not limited to:~~

9 ~~(a) distribution procedures for funding authorized in 10-4-305(1);~~

10 ~~(b) procedures for grant funding authorized in 10-4-306. The rules for grant funding must include but~~
 11 ~~are not limited to:~~

12 ~~(i) eligibility requirements for entities applying for grants;~~

13 ~~(ii) criteria for awarding grants; and~~

14 ~~(iii) reporting procedures for grant recipients.~~

15 ~~(c) postdisbursement activities by the department to monitor the use of funding by entities, including:~~

16 ~~(i) reporting requirements; and~~

17 ~~(ii) except as provided in subsection (5), procedures for repayment of funds expended on activities~~
 18 ~~determined not to meet eligibility requirements.~~

19 ~~(2) The department shall adopt rules including but not limited to:~~

20 ~~(a) technology standards, based on industry standards and a statewide 9-1-1 plan [pursuant to 10-4-~~
 21 ~~315], to ensure that public safety answering points meet minimum 9-1-1 services levels; and~~

22 ~~(b) baseline next-generation 9-1-1 principles to facilitate the appropriate deployment of baseline next-~~
 23 ~~generation 9-1-1.~~

24 ~~(3) (a) Before January 1, 2022, the department shall adopt rules for the allocation and distribution of~~
 25 ~~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~~
 26 ~~government entities that host public safety answering points.~~

27 ~~(b) The rules adopted for allocation must be based on the official final decennial census figures and~~
 28 ~~must ensure that each local and tribal government entity that hosts a public safety answering point receives~~

1 funding. The allocation must account for:

2 (i) ~~historic allocations provided to a local or tribal government entity that hosts a public safety~~
3 ~~answering point;~~

4 (ii) ~~the population of counties, cities, Indian reservations, or other government entities served by the~~
5 ~~public safety answering point;~~

6 (iii) ~~population trends; and~~

7 (iv) ~~other factors determined by the department, in consultation with the 9-1-1 advisory council~~
8 ~~provided for in 10-4-105, critical to the funding allocation.~~

9 (c) ~~The department's allocation may not distribute funds in a manner that discourages public safety~~
10 ~~answering points from consolidating or combining.~~

11 (4) ~~The department shall adopt rules in accordance with the Montana Administrative Procedure Act~~
12 ~~provided for in Title 2, chapter 4, to implement the provisions of this section.~~

13 ~~(5) Eligibility requirements and allowable uses by the department must allow a local or tribal~~
14 ~~government entity that receives a distribution in accordance with 10-4-305 to deposit a portion of their allocation~~
15 ~~to the Volunteer Firefighters' Compensation Act in accordance with 19-17-301."~~

16

17 **SECTION 2. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

18 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
19 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
20 the need for a biennial legislative appropriation or budget amendment.

21 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with
22 both of the following provisions:

23 (a) The law containing the statutory authority must be listed in subsection (3).

24 (b) The law or portion of the law making a statutory appropriation must specifically state that a
25 statutory appropriation is made as provided in this section.

26 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-
27 407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;
28 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108;

1 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-
 2 106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410;
 3 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-
 4 107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-
 5 105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-
 6 503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; [section 1]; 53-1-109; 53-6-148; 53-9-
 7 113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-
 8 1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-
 9 2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-
 10 526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

11 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 12 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 13 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 14 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
 15 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
 16 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
 17 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
 18 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
 19 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
 20 benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion
 21 of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115
 22 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
 23 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
 24 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates
 25 December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023;
 26 pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to
 27 sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L.
 28 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the

1 inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017,
2 the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-
3 103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates
4 September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029;
5 pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;
6 pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5,
7 Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

8

9 **Section 3.** Section 19-17-102, MCA, is amended to read:

10 **"19-17-102. Definitions.** Unless the context requires otherwise, the following definitions apply in this
11 chapter:

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

14 (2) "Allowance" means a total monetary and gift amount that is available to a volunteer firefighter from
15 a fire company or a volunteer emergency care provider from an emergency care provider pursuant to 19-17-
16 110.

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

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

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

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

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

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

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

27 (8) "Designated official" means;

28 (a) a representative of a fire company appointed by the fire chief to perform specified actions and

1 includes but is not limited to a fire company supervisor, a fire company secretary, and a fire company presiding
2 officer as described in 7-33-2312; or

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

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

7 (10) "Emergency care provider company" means an organization of volunteer emergency care
8 providers, including but not limited to:

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

10 (b) an employer who provides workers' compensation coverage to a volunteer emergency care
11 provider as provided in 7-33-4510 or 39-71-118; and

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

13 ~~(10)~~(11) "Fire company" means an organization of volunteer firefighters created under the authority of
14 a governing board or commission to serve an unincorporated area, town, or village.

15 ~~(11)~~(12) "Fiscal year" means the 12-month period that begins on July 1 and ends on June 30 of the
16 following year.

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

19 (14) "LOCAL GOVERNMENT ENTITY" HAS THE MEANING PROVIDED IN 7-6-602.

20 ~~(13)~~~~(14)~~(15) "Member" means a volunteer firefighter or volunteer emergency care provider who has
21 service credited under this chapter.

22 ~~(14)~~(16) "Pension benefit" means a full or partial payment for service earned as a volunteer firefighter
23 or volunteer emergency care provider and does not include payment for disability.

24 ~~(15)~~~~(16)~~(17) "Pension trust fund" means the volunteer firefighters' and volunteer emergency care
25 provider's pension trust fund established to pay claims and benefits under this chapter.

26 ~~(16)~~~~(17)~~(18) "Reimbursed" means the return by a fire company or emergency care provider company
27 of an equivalent amount of money expended by a member for the benefit of the fire company or emergency
28 care provider company.

1 ~~(17)(18)~~(19) "Retiree" or "retired member" means a member who is receiving full or partial pension
2 benefits or disability benefits from the pension trust fund.

3 ~~(18)(19)~~(20) "Supplemental insurance" means insurance that is carried by a fire company or
4 emergency care provider company for the purposes of providing disability or death benefits. Supplemental
5 insurance does not include any insurance required by law, such as workers' compensation insurance.

6 ~~(19)(20)~~(21) "Surviving spouse" means the spouse married to a member when the member dies.

7 ~~(20)(21)~~(22) "Survivorship benefit" means the monthly benefit paid to the surviving spouse or
8 dependent child of a deceased member.

9 ~~(21)(22)~~(23) "Training" means instruction pertaining to firefighting that is supervised by the chief or a
10 designated official.

11 ~~(23)(24)~~ "Volunteer emergency care provider" means an individual who:

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

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

15 ~~(22)(24)~~(25) "Volunteer firefighter" means a person who is a member of an eligible fire company and is
16 not compensated for services as a firefighter."
17

18 **Section 4.** Section 19-17-105, MCA, is amended to read:

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

24 (2) The duties of a volunteer emergency care provider include any activity relating to travel to,
25 participation in, and return from calls for emergency medical care, community-integrated health care,
26 interfacility transport, training, public service activities, and calls for assistance to protect individual public health
27 and safety."
28

1 **Section 5.** Section 19-17-108, MCA, is amended to read:

2 "**19-17-108. Credit for service as volunteer firefighter or volunteer emergency care provider --**
 3 **records.** (1) The annual period of service that may be credited under this chapter is the fiscal year. A fractional
 4 part of a year may not count toward the service required for participation in this system. ~~To~~ A member must
 5 continue to meet the requirements of 19-17-109 to be eligible to receive credit for any particular year and;

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

8 (b) a volunteer emergency care provider shall serve with at least one emergency care provider
 9 company throughout the entire fiscal year.

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

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

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

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

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

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

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

25

26 **Section 6.** Section 19-17-109, MCA, is amended to read:

27 "**19-17-109. Eligible fire company and emergency care provider company.** (1) To be eligible to
 28 participate under this chapter, a fire company shall provide to the board documentation of the following:

- 1 ~~(1)~~(a) the fire company's name and mailing address;
- 2 ~~(2)~~(b) the name of the fire chief and designated official, if any;
- 3 ~~(3)~~(c) the portion of the fire district serviced by the fire company;
- 4 ~~(4)~~(d) that the area serviced is located in an unincorporated area;
- 5 ~~(5)~~(e) that the fire company maintains firefighting equipment that is in serviceable condition and owns,
- 6 rents, or uses one or more buildings for the storage of the equipment. The equipment and buildings must be
- 7 valued at \$12,000 or more.

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

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

- 10 ~~(a)~~(i) a copy of the minutes of the meeting during which the governing board established the fire
- 11 company; or
- 12 ~~(b)~~(ii) if the meeting minutes are unavailable, a copy of its first filing with the county clerk pursuant to 7-
- 13 33-2311.

14 ~~(2)~~ To be eligible to participate under this chapter, an emergency care provider company shall provide

15 to the board documentation of the following:

- 16 ~~(a)~~ the emergency care provider company's name and mailing address;
- 17 ~~(b)~~ the name of the designated official;
- 18 ~~(c)~~ that the emergency care provider company maintains emergency care provider equipment that is
- 19 in serviceable condition and owns, rents, or uses one or more buildings for the storage of the equipment or
- 20 contracts with another entity for the procurement and use of sufficient equipment; and
- 21 ~~(d)~~ that the emergency care provider company is located within the boundaries of a local or tribal
- 22 government entity that contributes funds in accordance with 19-17-301."

23

24 **Section 7.** Section 19-17-110, MCA, is amended to read:

25 "**19-17-110. Allowable payments to volunteer firefighters and volunteer emergency care**

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

- 27 (a) payments of money reimbursed for documented expenses; and
- 28 (b) an allowance, including a stipend or per diem, that may not exceed ~~\$3,000~~ \$5,000 in a calendar

1 year.

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

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

4

5 **Section 8.** Section 19-17-111, MCA, is amended to read:

6 **"19-17-111. Records information management.** (1) The chief or designated official of a fire
7 company or emergency care provider company shall maintain the records provided for in 19-17-108 and 19-17-
8 110 for each active or inactive member of the fire company or emergency care provider company.

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

11

12 **Section 9.** Section 19-17-112, MCA, is amended to read:

13 **"19-17-112. Filing required reports -- limitations.** (1) The chief or designated official of each fire
14 company and emergency care provider company that claims eligibility under this chapter shall, on or before
15 September 1 of each year, file with the board an annual certificate, the current year's roster, and a membership
16 card for each new member.

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

19 (b) The annual certificate must be completed on a form prescribed by the board and contain the date
20 of organization of the fire company or emergency care provider company and the full name and date of birth of
21 each member of the fire company or emergency care provider company who was a member for the entire fiscal
22 year and who successfully ~~completed 30 hours of training during the preceding fiscal year, as required by 19-~~
23 ~~17-108~~ met the requirements of 19-17-108.

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

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

28 (3) The roster must be signed by the ~~fire~~ chief or designated official, filed with the board, and contain

1 information in writing that provides the names of the fire company or emergency care provider company, its
 2 date of organization, officers, and roll of active and inactive members for the current fiscal year. A roster may be
 3 updated to report new members but may not be retroactive.

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

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

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

12

13 **Section 10.** Section 19-17-113, MCA, is amended to read:

14 **"19-17-113. Corrections, audits, and penalties.** (1) If fraud or error results in a member, surviving
 15 spouse, or dependent child receiving more or less of a benefit than that to which the member, surviving spouse,
 16 or dependent child is entitled, then on the discovery of the error the board shall correct the credit for service
 17 and, if necessary, equitably adjust the payments.

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

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

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

26

27 **Section 11.** Section 19-17-205, MCA, is amended to read:

28 **"19-17-205. Payments to fire companies and emergency care provider companies maintaining**

1 **supplemental insurance.** (1) To encourage and aid fire companies and emergency care provider companies
 2 to maintain supplemental insurance to provide benefits when members are injured or killed while performing
 3 duties as volunteer firefighters or volunteer emergency care providers, the board shall authorize payment of:
 4 (a) \$75 per a year for each motorized mobile unit of firefighting equipment, not to exceed \$150 per
 5 for each fire company per year; or
 6 (b) \$75 a year for each ambulance, not to exceed \$150 for each emergency care provider company.
 7 (2) Payment must be a charge against the pension trust fund and must be paid to each fire company
 8 or emergency care provider company maintaining supplemental insurance or to the organization or agency
 9 maintaining supplemental insurance for a fire company or emergency care provider company."

10

11 **Section 12.** Section 19-17-301, MCA, is amended to read:

12 **"19-17-301. Fire insurance premium tax and local funds to be paid into pension trust fund. (1)**
 13 The state auditor shall annually pay from the general fund to the pension trust fund a sum equivalent to 5% of
 14 the premium taxes collected from insurers authorized to effect insurance against risks enumerated in 50-3-109.
 15 The sum must be computed before the amounts provided for by 19-13-604, and 19-18-512 are deducted.
 16 (2) (a) To participate in the pension for volunteer emergency care providers provided for in this
 17 chapter, the governing body of a local or tribal government entity shall annually deposit to the pension trust
 18 fund:

19 (A) \$10,000 FOR UP TO 30 ELIGIBLE VOLUNTEER EMERGENCY CARE PROVIDERS RESIDING IN THE
 20 JURISDICTION OF THE LOCAL GOVERNMENT ENTITY; AND

21 (B) \$10,000 FOR EACH ADDITIONAL INCREMENT OF ELIGIBLE VOLUNTEER EMERGENCY CARE PROVIDERS
 22 RESIDING IN THE JURISDICTION OF THE LOCAL GOVERNMENT ENTITY THAT IS BETWEEN 30 AND THE NEXT MULTIPLE OF
 23 30.

24 from the funds distributed to the local government or tribal government entity as allowed in 10-4-305.

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

28 (i) is not a county; and

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

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

6 (3) The money deposited as allowed in this section must be used for the payment of claims, benefits,
 7 and administrative costs as provided in this chapter. The money is statutorily appropriated as provided in 17-7-
 8 502."

9

10 **Section 13.** Section 19-17-401, MCA, is amended to read:

11 **"19-17-401. Eligibility for pension benefits.** (1) To qualify for a full or partial pension benefit under
 12 this chapter, a member must meet the requirements of subsections (2) and (3).

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

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

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

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

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

25

26 **Section 14.** Section 19-17-403, MCA, is amended to read:

27 **"19-17-403. Application for benefits.** (1) A member may, as provided in this section, apply for
 28 retirement benefits before terminating service, but commencement of the benefits must be as provided in 19-

1 17-411.

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

4 (3) The application must contain:

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

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

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

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

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

12

13 **Section 15.** Section 19-17-406, MCA, is amended to read:

14 "**19-17-406. Termination of pension when no surviving spouse or child.** If a deceased volunteer
15 firefighter or volunteer emergency care provider leaves neither a surviving spouse nor a child under 18 years of
16 age, the ~~firefighter's~~ member's pension must terminate at the end of the month prior to the month in which the
17 death occurs."

18

19 **Section 16.** Section 19-17-412, MCA, is amended to read:

20 "**19-17-412. Return to service.** (1) A retired member may return to service with a fire company or
21 emergency care provider company without loss of benefits.

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

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

26

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

28 "**19-17-501. Eligibility for medical and funeral expenses.** (1) To qualify for medical expenses under

1 19-17-502, a volunteer firefighter or volunteer emergency care provider must be a member of an eligible fire
2 company or emergency care provider company that is not covered by workers' compensation insurance and
3 must be listed on the fire company or emergency care provider company roster in the year when the injury or
4 illness occurs. The injury or illness must have occurred in the line of duty, as described in 19-17-105.

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

9

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

11 **"19-17-502. Medical expenses.** (1) A member who claims medical expenses under this section shall
12 submit a report of injury and medical claim on a form provided by the board in accordance with the board's rules
13 and a copy of the bill from the medical provider or a receipt for payment of medical expenses. The claim must
14 be verified by the member and by competent medical authority. The claim must be submitted within 12 months
15 from the date of incurring the injury or illness.

16 (2) The claim must contain:

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

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

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

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

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

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

25 (g) an affidavit from the chief or designated official of the fire company or emergency care provider
26 company stating that the member was, at the time of the injury or illness, a member of the fire company or
27 emergency care provider company and that the injury or illness was incurred in the line of duty as described in
28 19-17-105.

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

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

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

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

12

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

14 **"19-17-503. Funeral expenses.** (1) A person claiming the funeral expenses under this section shall
15 submit a claim form, the death certificate, and either a copy of the bill from the funeral director or a receipt for
16 payment of the funeral expenses. The claim must be submitted on a form provided by the board, in accordance
17 with the board's rules, and must be verified by the claimant. The claim must be filed with the board within 12
18 months from the member's date of death.

19 (2) The claim must contain:

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

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

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

28

1 **Section 20.** Section 19-17-601, MCA, is amended to read:

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

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

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

9

10 **Section 21.** Section 27-1-714, MCA, is amended to read:

11 **"27-1-714. Limits on liability for emergency care rendered at scene of accident or emergency.**

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

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

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

25

26 ~~NEW SECTION. Section 21. — Notification to tribal governments. The secretary of state shall send~~
27 ~~a copy of [this act] to each federally recognized tribal government in Montana.~~

28

