

SENATE BILL NO. 336

INTRODUCED BY F. MANDEVILLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL AMBULANCE SERVICE LAWS; ALLOWING A LOCAL GOVERNMENT TO CREATE A SPECIAL AMBULANCE DISTRICT; ESTABLISHING THE POWERS AND DUTIES OF AN AMBULANCE DISTRICT; ALLOWING AN AMBULANCE DISTRICT TO LEVY A TAX FOR THE OPERATION OF THE DISTRICT; ALLOWING AN AMBULANCE DISTRICT TO ANNEX ADJACENT TERRITORY; PROVIDING A PROCESS TO DISSOLVE AN AMBULANCE DISTRICT; LIMITING GOVERNMENTAL LIABILITY; AMENDING SECTIONS 7-6-621, 7-33-2108, 7-33-2405, 7-33-4112, AND 10-3-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Ambulance districts authorized.** (1) The board of county

commissioners may establish ambulance districts in any unincorporated territory or incorporated municipality:

(a) by resolution after receiving a petition in writing signed by the owners of 40% or more of the real property in the proposed district and owners of property representing 40% or more of the taxable value of property in the proposed district after holding at least one public hearing as provided in [section 2]; or

(b) by ordering a referendum to create the ambulance district in accordance with the provisions of [section 2].

(2) (a) A municipality may be included in the district upon approval by the city or town governing body.

(b) A municipality may withdraw from a district 2 years after providing to the board of county commissioners notice of intent to withdraw.

NEW SECTION. **Section 2. Notice of hearing -- hearing on petition -- referendum.** (1) The board

of county commissioners shall provide notice as provided in 7-33-2102 after the receipt of a petition allowed in [section 1].

1 (2) After providing notice, the board shall hear and decide on the petition following the procedures
2 provided in 7-33-2103.

3 (3) The board may order a referendum on the creation of an ambulance district and shall follow the
4 procedures provided in 7-11-1011(3) through (6).

5

6 **NEW SECTION. Section 3. Operation of ambulance districts.** (1) When a board of county
7 commissioners establishes an ambulance district in a municipality, the commissioners:

8 (a) may contract with a municipality, rural fire district, private company, or other public entity to
9 furnish all ambulance services for property within the district; or

10 (b) shall appoint five qualified trustees to govern and manage the fire district. The term of office
11 and procedures for nomination and election must be followed as provided in 7-33-2106.

12 (2) The board administering and operating the district shall submit the minutes of the district
13 proceedings for electronic storage as provided in 7-1-204.

14

15 **NEW SECTION. Section 4. Powers and duties of trustees.** The trustees:

16 (1) shall prepare and adopt suitable bylaws;

17 (2) have the authority to provide adequate and standard emergency response apparatus,
18 equipment, personnel, housing, and facilities including real property for the provision of emergency medical
19 services and ambulance transport within the district;

20 (3) may provide services by contracting with another ambulance district, a rural fire district, a
21 municipality, a private company, or any other public entity;

22 (4) may adopt rules and establish fees or charges for the furnishing of an ambulance service;

23 (5) shall prepare annual budgets and request special levies for the budgets. The budget laws
24 relating to county budgets must, as far as applicable, apply to ambulance districts.

25 (6) may enter into contracts as provided in [section 5]; and

26 (7) may pledge income to secure financing of the district as provided in [section 7].

27

28 **NEW SECTION. Section 5. Contracts for services.** (1) The trustees of an ambulance district may

1 enter into contracts for the provision of emergency medical services.

2 (2) The relationship between the ambulance district and the entity with which the district has
3 contracted is that of an independent contractor.

4

5 **NEW SECTION. Section 6. Mutual aid agreements -- request if no agreement exists --**

6 **definitions.** (1) A mutual aid agreement is an agreement for protection against disasters, incidents, or
7 emergencies.

8 (2) Ambulance district trustees may enter mutual aid agreements with the governing bodies of:

9 (a) emergency medical care providers;

10 (b) fire protection services;

11 (c) other political subdivisions in Montana; and

12 (d) fire protection services, emergency medical care providers, and local government subdivisions

13 of any other state or the United States pursuant to Title 10, chapter 3, part 11.

14 (3) If the ambulance district trustees have not concluded a mutual aid agreement, then the
15 trustees, a representative of the trustees, or an incident commander may request assistance pursuant to 10-3-
16 209.

17 (4) As used in this section, "incidents", "disasters", and "emergencies" have the meanings
18 provided in 10-3-103.

19

20 **NEW SECTION. Section 7. Tax levy, debt incurrence, and bonds authorized.** (1) At the time of

21 the annual levy of taxes, the board of county commissioners may, subject to 15-10-420, levy a tax upon all
22 property within an ambulance district for the purpose of:

23 (a) providing emergency medical response services;

24 (b) purchasing disability income insurance coverage or workers' compensation coverage for
25 employees or volunteer emergency medical care providers of the district;

26 (c) buying or maintaining facilities for the district, including real property and emergency response
27 apparatus; and

28 (d) paying an entity that has entered into a contract pursuant to [section 5] for furnishing

1 emergency medical service to property within the district.

2 (2) The tax allowed in this section must be collected in a manner similar to other taxes.

3 (3) The board of county commissioners or the trustees, if the district is governed by trustees, may
4 pledge the income of the district, subject to the requirements of [section 4(5)], to secure financing necessary to
5 procure equipment and buildings, including real property, to house the equipment.

6 (4) In addition to the levy authorized in subsection (1), a district may borrow money by the
7 issuance of bonds to provide funds for the payment of all or part of the cost of buying or maintaining emergency
8 medical protection facilities, including real property, and apparatus, including emergency response apparatus,
9 for the district.

10 (5) The amount of debt incurred pursuant to subsection (3) and the amount of bonds issued
11 pursuant to subsection (4) and outstanding at any time may not exceed 1.1% of the total assessed value of
12 taxable property, determined as provided in 15-8-111, within the district, as ascertained by the most recent
13 assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

14 (6) The bonds must be authorized, sold, and issued and provisions must be made for their
15 payment in the manner and subject to the conditions and limitations prescribed for the issuance of bonds by
16 counties under Title 7, chapter 7, part 22.

17
18 **NEW SECTION. Section 8. Ambulance district capital improvement fund authorized.** The
19 trustees of an ambulance district may establish a capital improvement fund in accordance with the provisions of
20 Title 7, chapter 6, part 6.

21
22 **NEW SECTION. Section 9. Annexation of adjacent territory not contained in an ambulance**
23 **district.** (1) Adjacent territory that is not already a part of an ambulance district may be annexed in the following
24 manner:

25 (a) A petition in writing by the owners of 40% or more of the real property within the proposed area
26 to be annexed and owners of property representing 40% or more of the taxable value of property within the
27 proposed area to be annexed must be presented to the board of trustees of the district for approval. If the
28 proposed annexation is approved by the board of trustees, the petition must be presented to the board of

1 county commissioners.

2 (b) At the first regular meeting of the board of county commissioners after the presentation of the
3 petition, the commissioners shall set a date to hold a hearing on the petition. The date of the hearing may not
4 be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners.
5 The board of county commissioners shall publish notice of the hearing as provided in 7-1-2121 or as provided
6 in 7-1-4127 if any part of the area proposed to be annexed is within an incorporated municipality.

7 (2) On the date set for the hearing, the board of county commissioners shall consider the petition
8 and any objections to the annexation. The board shall approve the annexation unless a protest petition signed
9 by at least 40% of the owners of real property in the area proposed for annexation and owners of property
10 representing 40% or more of the taxable value of the property in the area proposed for annexation is presented
11 at the hearing, in which case the annexation must be disapproved.

12 (3) The annexed territory is liable for any outstanding warrant and bonded indebtedness of the
13 original district.

14 (4) (a) Territory that is within the limits of an incorporated municipality may be annexed only upon
15 the approval of the municipal governing body.

16 (b) A municipality may withdraw from the district territory that has been annexed under this section
17 2 years after providing to the board of county commissioners notice of intent to withdraw.

18
19 **NEW SECTION. Section 10. Dissolution of ambulance district.** (1) Subject to subsection (2), an
20 ambulance district organized under [sections 1 through 10] may be dissolved by the board of county
21 commissioners after a petition for dissolution is signed and presented by the owners of 40% or more of the real
22 property in the area and owners of property representing 40% or more of the taxable value of property in the
23 area. The procedure and requirements provided in [sections 1 and 2] apply to requests for dissolution of
24 ambulance districts.

25 (2) A board of county commissioners may not dissolve an ambulance district that includes territory
26 within the limits of an incorporated municipality unless the dissolution is approved by the governing body of the
27 municipality.

28

1 **Section 11.** Section 7-6-621, MCA, is amended to read:

2 **"7-6-621. Volunteer firefighters' and emergency medical care providers' disability income**
3 **insurance authorized -- voted levy -- fund.** (1) Disability income insurance, as defined in 33-1-235, may be
4 purchased for volunteer firefighters and emergency medical care providers. Disability income insurance
5 purchased under this section is not the same as workers' compensation coverage provided for under 7-33-
6 4510.

7 (2) If the voters have approved a levy for the purchase of volunteer firefighters' or emergency
8 medical care providers' disability income insurance or workers' compensation coverage, the governing body of
9 a local government entity may establish a volunteer firefighters' or emergency medical care providers' disability
10 income insurance account. The governing body may hold money in the account for any time period considered
11 appropriate by the governing body. Money held in the account may not be considered as cash balance for the
12 purpose of reducing mill levies.

13 (3) Money may be expended from the account to purchase disability income insurance coverage
14 or for workers' compensation coverage for volunteer firefighters or emergency medical care providers organized
15 or deployed pursuant to any of the provisions of Title 7, chapter 33, parts 21 through 24 or 41, or [sections 1
16 through 10].

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

19

20 **Section 12.** Section 7-33-2108, MCA, is amended to read:

21 **"7-33-2108. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual
22 aid agreement is an agreement for protection against disasters, incidents, or emergencies.

23 (2) Fire district trustees may enter mutual aid agreements with the proper authority of:

24 (a) other fire districts;

25 (b) unincorporated municipalities;

26 (c) incorporated municipalities;

27 (d) state agencies;

28 (e) private fire prevention agencies;

1 (f) federal agencies;

2 (g) fire service areas;

3 (h) ambulance districts;

4 ~~(h)~~(i) governing bodies of other political subdivisions in Montana; and

5 ~~(h)~~(i) governing bodies of fire protection services, emergency medical care providers, and local
6 government subdivisions of any other state or the United States pursuant to Title 10, chapter 3, part 11.

7 (3) If the fire district trustees have not concluded a mutual aid agreement, then the trustees, a
8 representative of the trustees, or an incident commander may request assistance pursuant to 10-3-209.

9 (4) As used in this section, "incidents", "disasters", and "emergencies" have the meanings
10 provided in 10-3-103."
11

12 **Section 13.** Section 7-33-2405, MCA, is amended to read:

13 **"7-33-2405. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual
14 aid agreement is an agreement for protection against disasters, incidents, or emergencies.

15 (2) The governing body of a fire service area may enter mutual aid agreements with the proper
16 authority of:

17 (a) other fire service areas;

18 (b) unincorporated municipalities;

19 (c) incorporated municipalities;

20 (d) state agencies;

21 (e) private fire prevention agencies;

22 (f) federal agencies;

23 (g) fire districts;

24 (h) ambulance districts;

25 ~~(h)~~(i) governing bodies of other political subdivisions in Montana; and

26 ~~(h)~~(i) governing bodies of fire protection services, emergency medical care providers, and local
27 government subdivisions of any other state or the United States pursuant to Title 10, chapter 3, part 11.

28 (3) If the governing body of a fire service area has not concluded a mutual aid agreement, the

1 governing body, a representative of the governing body, or an incident commander may request assistance
2 pursuant to 10-3-209.

3 (4) As used in this section, "incidents", "disasters", and "emergencies" have the meanings
4 provided in 10-3-103."

5

6 **Section 14.** Section 7-33-4112, MCA, is amended to read:

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

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

11 (a) other incorporated municipalities;

12 (b) fire districts;

13 (c) unincorporated municipalities;

14 (d) state agencies;

15 (e) private fire prevention agencies;

16 (f) federal agencies;

17 (g) fire service areas;

18 (h) ambulance districts;

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

20 ~~(h)(j)~~ governing bodies of fire protection services, emergency medical care providers, and local
21 government subdivisions of any other state or the United States pursuant to Title 10, chapter 3, part 11.

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

25 (4) As used in this section, the terms "disasters", "emergencies", or "incidents" have the meanings
26 provided in 10-3-103."

27

28 **Section 15.** Section 10-3-209, MCA, is amended to read:

1 **"10-3-209. Political subdivision requests for assistance -- application to fire districts, fire**
 2 **service areas, and fire companies in unincorporated places -- immunity.** (1) If an incident, emergency, or
 3 disaster occurs in a political subdivision that has not concluded a mutual aid agreement pursuant to 10-3-202,
 4 the local or interjurisdictional agency, incident commander, or principal executive officer of the political
 5 subdivision may request assistance from another public or private agency.

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

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

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

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

15 (iv) the governing body of an ambulance district created pursuant to [sections 1 through 10].

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

18 (i) a fire district;

19 (ii) an unincorporated municipality;

20 (iii) an incorporated municipality;

21 (iv) a state agency;

22 (v) a private fire prevention agency;

23 (vi) an agency of the federal government;

24 (vii) a fire service area;

25 (viii) an ambulance district;

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

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

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

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

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

12 (a) a fire district;

13 (b) a fire service area;

14 (c) a fire company;

15 (d) an ambulance district;

16 ~~(d)~~(e) an unincorporated municipality, town, or village;

17 ~~(e)~~(f) a political subdivision; or

18 ~~(f)~~(g) an agent, employee, representative, or volunteer of an entity listed in this subsection."
 19

20 **NEW SECTION. Section 16. Codification instruction.** [Sections 1 through 10] are intended to be
 21 codified as an integral part of Title 7, chapter 34, and the provisions of Title 7, chapter 34, apply to [sections 1
 22 through 10].
 23

24 **NEW SECTION. Section 17. Two-thirds vote required.** Because [section 15] limits governmental
 25 liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each
 26 house of the legislature for passage.
 27

28 **NEW SECTION. Section 18. Effective date.** [This act] is effective on passage and approval.

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