

HOUSE BILL NO. 813

INTRODUCED BY T. BROCKMAN, D. FERN, R. FITZGERALD

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF REGIONAL FIRE PROTECTION AUTHORITIES; REQUIRING A REGIONAL FIRE PROTECTION AUTHORITY PLAN; REQUIRING A PUBLIC HEARING AND ELECTION TO ESTABLISH AN AUTHORITY; ESTABLISHING THE POWERS AND DUTIES OF AN AUTHORITY; ALLOWING CERTAIN AREAS TO BE ANNEXED, WITHDRAWN, OR DETRACTED FROM AN AUTHORITY; ALLOWING AN AUTHORITY TO MAKE ASSESSMENTS OR IMPOSE FEES FOR THE OPERATION OF THE AUTHORITY; LIMITING GOVERNMENTAL LIABILITY; AMENDING SECTIONS 2-7-501, 7-3-1345, 7-4-2711, 7-6-204, 7-11-1002, 7-33-2108, 7-33-2110, 7-33-2202, 7-33-2208, 7-33-2316, 7-33-2405, 7-33-4101, 7-33-4110, 7-33-4112, 7-33-4510, 10-3-209, 13-37-206, 19-17-102, AND 50-63-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Purpose and authorization. Any two or more adjacent local governments, rural fire districts, fire service areas, or fire companies are authorized to create a single regional fire protection authority as provided in [sections 1 through 20] for the purpose of providing adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities, including the provision of real property and emergency medical services and equipment for protection of those areas within the fire protection authority.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 20], unless context clearly indicates otherwise, the following definitions apply:

- (1) "Board" means the governing board of a fire protection authority.
- (2) "Fire protection authority" means a regional fire protection authority established under [sections 1 through 20].

(3) "Fire protection authority plan" or "fire authority plan" means a plan developed by a fire protection authority planning committee in accordance with [section 3] and contains the required information as provided in [section 4].

(4) "Fire protection jurisdiction" means a government fire entity organized under this chapter.

(5) "Governing body" means the governing body of a local government, fire company, rural fire district, or fire service area.

(6) "Local government" means a city, town, county, or consolidated city-county government.

NEW SECTION. Section 3. Fire protection authority plan -- planning committee. (1) The governing bodies proposing the creation of a fire protection authority shall convene an authority planning committee to:

(a) adopt a regional fire protection authority plan;

(b) seek and consider input from municipalities and counties located within or partially within each participating fire protection jurisdiction; and

(c) provide opportunities for public participation and public comment during the development of the fire authority plan.

(2) The governing bodies participating in the creation of a fire protection authority shall designate two elected or appointed trustees to the authority planning committee. Local governments shall designate one member to serve on the planning committee.

(3) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. A participating governing body may withdraw from the committee on written notice to the other jurisdictions.

NEW SECTION. Section 4. Creation of fire authority plan -- plan contents. (1) A fire protection authority plan developed pursuant to [section 3] must include:

(a) the services that will be provided by the proposed fire protection authority;

(b) a timetable for the proposed fire protection authority, including the date of the creation of the fire protection authority;

- 1 (c) the name of the proposed fire protection authority;
- 2 (d) the boundary map and legal description of the geographic area of the proposed fire protection
- 3 authority;
- 4 (e) the method of financing the proposed fire protection authority as provided in [section 8];
- 5 (f) the estimated financial impact on the average taxpayer who resides within the boundaries of
- 6 the proposed fire protection authority;
- 7 (g) the process for dissolving the fire protection jurisdictions that will be replaced by the proposed
- 8 fire protection authority and how responsibilities will be transferred to the proposed fire protection authority;
- 9 (h) whether the proposed fire protection authority will be administered by an appointed or elected
- 10 board of trustees;
- 11 (i) a list of all equipment, apparatus, and real and personal property to be transferred to the
- 12 proposed fire protection authority;
- 13 (j) if applicable, a list of all employees, including:
- 14 (i) compensation at the time of transfer;
- 15 (ii) insurance coverage or workers' compensation coverage;
- 16 (iii) promotion and service time accrual; and
- 17 (iv) the length or terms of probationary periods;
- 18 (k) the estimated budget to operate the proposed fire protection authority;
- 19 (l) a list of existing contracts and obligations;
- 20 (m) any funds, credits, or other assets;
- 21 (n) any warrant of bonded indebtedness to be assumed by the proposed fire protection authority;
- 22 and
- 23 (o) any other aspect of the proposed fire protection authority that the planning committee
- 24 determines necessary.
- 25 (2) After a fire protection authority plan has been adopted by the planning committee, the plan
- 26 must be forwarded to the governing bodies who participated in the committee.
- 27

28 **NEW SECTION. Section 5. Review of plan, submission to the electorate -- combination of**

1 **elections.** (1) Within 60 days of receipt of a fire protection authority plan, the governing bodies of the local
2 governments whose fire protection jurisdictions are part of the proposed fire protection authority shall hold at
3 least one public hearing, noticed as provided in 7-1-2121 or 7-1-4127, on the plan and creation of the proposed
4 fire protection authority.

5 (2) Within 30 days of the hearing, the board of county commissioners shall determine whether to
6 order that the question of creation of an authority be submitted to the electorate.

7 (3) If a governing body orders that the question of creation of an authority be submitted to the
8 electorate, the governing body shall pass a resolution of intention to submit the question to the electorate. The
9 resolution must state the items that are required to be included in the fire authority plan under [section 4].

10 (4) A governing body may request changes to a fire authority plan based on public comment and
11 may schedule subsequent public hearings on those changes.

12
13 **NEW SECTION. Section 6. Submission to electorate -- conduct of election -- combination of**
14 **elections.** (1) If a governing body orders that the question of creation of an authority be submitted to the
15 electorate, the election must be conducted in accordance with Title 13, chapter 1, part 5.

16 (2) The proposition to be submitted to the electorate must read: "Shall the proposition to create
17 (name of proposed authority) be adopted?"

18 (3) An individual is entitled to vote on the proposition if the individual is:

19 (a) a registered elector of the state; and

20 (b) a resident of or owner of taxable real property in the area subject to the proposed authority.

21 (4) If the proposition is approved, the election administrator of each county shall:

22 (a) immediately file with the secretary of state a certificate stating that the proposition was adopted;

23 (b) record the certificate in the office of the clerk and recorder of the county or counties in which
24 the authority is situated; and

25 (c) notify any municipalities lying within the boundaries of the authority.

26 (5) (a) If the authority plan calls for the authority to be administered by an elected board; the
27 governing body may order that the election on the question of creation of an authority be combined with the
28 election of the members of the board so that the qualified electors may vote on these matters on the same date

1 and at the same time. The provisions of 7-11-1010 apply to terms of board members if the election is combined.

2 (b) The governing body may order that the approval or rejection of creation of the authority also
3 constitutes the approval or rejection of the fire authority plan.

4 (6) If a majority of the electorate in each fire protection jurisdiction that proposes to create an
5 authority approves creation of the authority, the authority is created.

6 (7) Upon creation of the authority, the fire protection jurisdictions included in the authority cease to
7 exist.

8
9 **NEW SECTION. Section 7. Certificate of establishment.** (1) On receipt of the certificate referred to
10 in [section 6(4)], the secretary of state shall, within 10 days, issue a certificate reciting that the specified
11 authority has been established according to the laws of the state. A copy of the certificate must be transmitted
12 to and filed with the clerk and recorder of the county or counties in which the authority is situated.

13 (2) When the certificate is issued by the secretary of state, the authority named in the certificate is
14 established with all of the rights, privileges, and powers set forth in [section 10].

15 (3) The provisions of 7-11-1014 apply to additional reporting requirements for a fire protection
16 authority.

17
18 **NEW SECTION. Section 8. Financing of authority.** (1) A fire protection authority may be financed
19 using the following methods:

20 (a) establishment of a mill levy as provided in subsection (2) and subject to the provisions of 15-
21 10-420; or

22 (b) through the imposition of fees as provided for in 7-33-2404.

23 (2) (a) When two or more fire protection jurisdictions with mill levy authority are dissolved and
24 transferred into a fire protection authority pursuant to [sections 1 through 20], the fire protection authority must
25 be considered as a new taxing entity for the purposes of determining mill levy limitations.

26 (b) Subject to subsection (2)(c), the fire protection authority may impose a mill levy sufficient to
27 generate the total amount of property taxes actually assessed by each former fire protection jurisdiction that
28 becomes part of the fire protection authority in the current year. The mill levy established in this subsection is

1 subject to the provisions of 15-10-420.

2 (c) If the electors of a former fire protection jurisdiction have approved mill levy authority in excess
3 of the limit established in 15-10-420 pursuant to an election held under 15-10-425, the mill levy authority applies
4 to the fire protection authority under the limitations established by the electors.

5 (3) The fire protection authority is liable for any outstanding warrant and bonded indebtedness of
6 each former fire protection jurisdiction that becomes part of the fire protection authority.

7 (4) Subject to 15-10-425, the board of county commissioners may levy a tax upon all taxable
8 property within a fire protection authority for the purpose of purchasing disability income insurance coverage or
9 workers' compensation coverage for the volunteer firefighters of the fire protection authority as provided in 7-6-
10 621.

11 (5) The board of county commissioners or the trustees, if the fire protection authority is governed
12 by trustees, may pledge the income of the fire protection authority, subject to the requirements and limitations
13 of [section 10(1)(g)], to secure financing necessary to procure equipment and buildings, including real property,
14 to house the equipment.

15 (6) In addition to the levy authorized in subsection (2), a fire protection authority may borrow
16 money by the issuance of bonds to provide funds for the payment of all or part of the cost of buying or
17 maintaining fire protection facilities, including real property, and apparatus, including emergency response
18 apparatus, for the fire protection authority.

19 (7) The amount of debt incurred pursuant to subsection (5) and the amount of bonds issued
20 pursuant to subsection (6) and outstanding at any time may not exceed 1.1% of the total assessed value of
21 taxable property, determined as provided in 15-8-111, within the fire protection authority, as ascertained by the
22 most recent assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

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

26
27 **NEW SECTION. Section 9. Operation of fire authority.** (1) When a board of county commissioners
28 establishes a fire protection authority, the commissioners may:

(a) govern and manage the fire protection authority;

(b) appoint five qualified trustees to govern and manage the fire protection authority; or

(c) after the expiration of terms for the initial board of trustees, authorize the election of five qualified trustees to govern and manage the fire protection authority. The term of office and procedures for nomination and election are the same as those provided for election of rural fire district trustees in 7-33-2106.

NEW SECTION. Section 10. Powers and duties of trustees. (1) The trustees:

(a) shall prepare and adopt suitable bylaws;

(b) have the authority to provide adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities, including real property and emergency medical services and equipment, for the protection of the area within the fire protection authority;

(c) may appoint and form fire companies that have the same duties, exemptions, and privileges as other fire companies for retirement purposes only;

(d) shall prepare annual budgets and request special levies for the budgets. The budget laws relating to county budgets must, as far as applicable, apply to fire protection authorities.

(e) may enter into contracts as provided in [section 11];

(f) shall submit the minutes of its proceedings for electronic storage as provided in 7-1-204; and

(g) may pledge income to secure financing of the fire protection authority as provided in [section 8].

(2) All money received by the trustees must be deposited in the county treasurer's office and credited to the fire protection authority.

NEW SECTION. Section 11. Contracts for fire protection and emergency medical services. (1)

The trustees of a fire protection authority may enter into contracts for fire protection or emergency medical services or both.

(2) All money received from contracts must be deposited in the county treasurer's office and credited to the fire protection authority fund holding the contracts.

(3) The relationship between the fire protection authority and the entity with which the district has

1 contracted is that of an independent contractor.

2
3 **NEW SECTION. Section 12. Transfer of responsibilities and employees to authority.** (1) Subject

4 to the fire protection authority plan provided in [section 3], on the creation date of the fire protection authority or
5 on the effective date that a fire protection jurisdiction is subsequently annexed into a fire protection authority:

6 (a) all powers, duties, and functions of a participating fire protection jurisdiction pertaining to fire
7 protection and emergency services must be transferred to the fire protection authority;

8 (b) all reports, documents, surveys, books, records, files, papers, or written material possessed by
9 the participating fire protection jurisdiction that pertain to fire protection and emergency services powers,
10 functions, and duties must be delivered to the fire protection authority;

11 (c) all real property and personal property, including cabinets, furniture, office equipment, motor
12 vehicles, and other tangible property, used by the participating fire protection jurisdiction to carry out the fire
13 protection and emergency services powers, functions, and duties must be transferred to the fire protection
14 authority;

15 (d) all funds, credits, or other assets held by the participating fire protection jurisdiction in
16 connection with the fire protection and emergency services powers, functions, and duties must be transferred
17 and credited to the fire protection authority; and

18 (e) any warrant or bonded indebtedness held by the participating fire protection jurisdiction must
19 be transferred to the fire protection authority.

20 (2) The transfer of the powers, duties, functions, and personnel of the participating fire protection
21 jurisdiction does not affect the validity of any act performed before creation of the fire protection authority.

22 (3) (a) Subject to subsection (3)(b), all employees of the fire protection jurisdictions included in a
23 fire protection authority are transferred to the jurisdiction of the fire protection authority on the fire protection
24 authority's creation date. Upon transfer, unless an agreement for different terms of transfer is reached between
25 the collective bargaining representatives of the transferring employees and the fire protection jurisdictions
26 included in the fire protection authority, an employee is entitled to the employee rights, benefits, and privileges
27 to which the employee would have been entitled as an employee of the fire protection jurisdiction included in
28 the fire protection authority, including rights to:

- 1 (i) compensation at least equal to the level at the time of transfer;
- 2 (ii) retirement, vacation, sick leave, and any other accrued benefit, including disability income
- 3 insurance coverage or workers' compensation coverage;
- 4 (iii) promotion and service time accrual; and
- 5 (iv) the length or terms of probationary periods, including no requirement for an additional
- 6 probationary period if one had been completed before the transfer date.
- 7 (b) Nothing contained in this section may be construed to alter an existing collective bargaining
- 8 unit or the provisions of an existing collective bargaining agreement until the agreement has expired or until the
- 9 bargaining unit has been modified as provided by law.

10

11 **NEW SECTION. Section 13. Mutual aid agreements -- request if no agreement exists --**

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

13 emergencies.

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

15 (a) other fire protection authorities;

16 (b) fire districts;

17 (c) unincorporated municipalities;

18 (d) incorporated municipalities;

19 (e) state agencies;

20 (f) private fire prevention agencies;

21 (g) federal agencies;

22 (h) fire service areas;

23 (i) governing bodies of other political subdivisions in Montana; and

24 (j) governing bodies of fire protection services, emergency medical care providers, and local

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

26 (3) If the fire protection authority trustees have not concluded a mutual aid agreement, then the

27 trustees, a representative of the trustees, or an incident commander may request assistance pursuant to 10-3-

28 209.

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

NEW SECTION. Section 14. Volunteer fire districts, companies, or authorities -- fire departments -- not affected by city-county consolidation. (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, a fire district, or fire protection authority created and legally in existence pursuant to the provisions of [sections 1 through 20] unless otherwise specifically provided by charter.

(2) A right or benefit of any member of a volunteer fire district, company, fire protection authority, or department created pursuant to the provisions of [sections 1 through 20] in a retirement or pension plan or payments provided under Title 19, chapter 17, may not be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter.

NEW SECTION. Section 15. Fire authority capital improvement fund authorized. The trustees of a fire protection authority may establish a capital improvement fund in accordance with the provisions of Title 7, chapter 6, part 6.

NEW SECTION. Section 16. Payment of partial salary to rural firefighters injured in performance of duty. (1) A full-paid firefighter who is an employee of a fire protection authority and who is injured in the performance of the firefighter's duty must be paid by the fire protection authority the difference between the firefighter's net salary, following adjustments for income taxes and pension contributions, and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the firefighter must require medical or other remedial treatment and must be incapable of performing the firefighter's duties as a result of the injury.

(3) This section does not apply to a volunteer firefighter or a part-paid firefighter.

1 **NEW SECTION. Section 17. Annexation of adjacent territory.** (1) Subject to 7-33-4115, adjacent

2 territory within or outside of the limits of an incorporated second-class or third-class city or town that is not
3 already a part of an existing fire protection jurisdiction may be annexed in the following manner:

4 (a) A petition in writing by the owners of 40% or more of the real property within the proposed area
5 to be annexed and owners of property representing 40% or more of the taxable value of property within the
6 proposed area to be annexed must be presented to the board of trustees of the fire protection authority for
7 approval. If the proposed annexation is approved by the board of trustees, the petition must be presented to the
8 board of county commissioners.

9 (b) At the first regular meeting of the board of county commissioners after the presentation of the
10 petition, the commissioners shall set a date to hold a hearing on the petition. The date of the hearing may not
11 be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners.
12 The board of county commissioners shall publish notice of the hearing as provided in 7-1-2121 or as provided
13 in 7-1-4127 if any part of the area proposed to be annexed is within an incorporated second-class or third-class
14 city or town.

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

20 (3) (a) Subject to 7-33-4115, territory that is within the limits of an incorporated second-class or
21 third-class city or town may be annexed only upon the approval of the city or town governing body.

22 (b) A second-class or third-class city or town may withdraw from the fire protection authority that
23 has been annexed under this section 2 years after providing to the board of county commissioners and board of
24 trustees notice of intent to withdraw.

25
26 **NEW SECTION. Section 18. Dissolution of fire authority.** (1) Subject to subsection (2), a fire

27 protection authority organized under [sections 1 through 20] may be dissolved by the board of county
28 commissioners upon presentation of a petition for dissolution signed by the owners of 40% or more of the real

1 property in the area and owners of property representing 40% or more of the taxable value of property in the
2 area. The procedure and requirements provided in 7-33-2101 through 7-33-2103 apply to requests for
3 dissolution of fire protection authorities.

4 (2) A board of county commissioners may not dissolve a fire protection authority that includes
5 territory within the limits of an incorporated second-class or third-class city or town unless the dissolution is
6 approved by the governing body of the city or town.

7
8 **NEW SECTION. Section 19. Annexation of fire authority property by municipality --**
9 **responsibility for debt.** (1) If a municipality annexes property from a fire protection authority, the annexed
10 property is liable for any bonded debt of the fire protection authority or for secured debt incurred by the fire
11 protection authority for the purchase of real or personal property existing as of the date the annexation
12 proceeding was commenced to the same extent as it would have been liable if not withdrawn.

13 (2) A municipality shall:

14 (a) offset the municipal mills levied on the annexed property by the mills levied on the property for
15 bonded or secured debt; or

16 (b) annually appropriate funds to the fire protection authority in an amount equal to the mills levied
17 on the annexed property for bonded or secured debt.

18
19 **NEW SECTION. Section 20. Detraction of undeveloped property classified as forest land from**
20 **authority -- petition -- plan for division.** (1) (a) The board may vote to detract undeveloped forest land, as
21 classified in 76-13-102(3), from the fire protection authority as set forth in this section.

22 (b) The undeveloped forest land proposed to be detracted from the fire protection authority may
23 not be wholly surrounded by the property proposed to remain in the fire protection authority.

24 (2) (a) Upon receipt of a petition signed by the owners of 40% or more of the real property within
25 the area proposed to be detracted from the fire protection authority and owners of property representing 40% or
26 more of the taxable value of property within the area proposed to be detracted from the fire protection authority,
27 the board must prepare a plan for detraction from the fire protection authority.

28 (b) The petition must describe the boundaries of the proposed detracted area and the boundaries

1 of the remaining area.

2 (c) The board may require the petitioning landowner or landowners to prepare a draft detraction
3 plan for consideration by the board.

4 (3) The plan for detraction of the area from the fire protection authority must contain, at a
5 minimum, the following information:

6 (a) a timetable for detraction of the area, including an effective date that must be after the time
7 allowed for protests to the detraction;

8 (b) a plan for fire and emergency services within the area to be detracted;

9 (c) the boundary maps of the fire protection authority after detraction of the area;

10 (d) the estimated financial impact of the detraction on an owner of a home valued at \$100,000
11 within the area remaining in the fire protection authority after the detraction of the proposed area; and

12 (e) a method for the fair and equitable division of the assets and liabilities of the fire protection
13 authority, if applicable.

14 (4) (a) Within 30 days following receipt of the plan required in subsection (3), the board shall set a
15 date for a public hearing on the proposed detraction and shall give notice of the hearing as provided in 7-1-
16 2121.

17 (b) The board shall also forward a copy of the proposed plan for detraction of the area and provide
18 written notice of the hearing as provided in subsection (4)(a) to the governing body of the fire protection
19 jurisdiction that is proposed to be responsible for fire and emergency services within the area after detraction
20 from the fire protection authority, if a fire protection jurisdiction is identified.

21 (5) After the hearing, the plan for detraction must be approved, the petition must be granted, and
22 the area must be detracted from the fire protection authority unless, at the time of the hearing provided for in
23 subsection (4)(a), protests are provided by:

24 (a) the owners of 40% or more of the real property in the entire fire protection authority and owners
25 of property representing 40% or more of the taxable value of property in the entire fire protection authority; or

26 (b) the governing body of the fire protection jurisdiction proposed to be responsible for fire and
27 emergency services within the area after detraction from the fire protection authority, if a fire protection
28 jurisdiction is identified.

(6) (a) Upon the detraction of an area from the fire protection authority, any assets and liabilities of the fire protection authority must be distributed in accordance with the plan for detraction.

(b) A detracted area continues to be liable for any existing warrant and bonded indebtedness of the fire protection authority.

Section 21. Section 2-7-501, MCA, is amended to read:

"2-7-501. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

(1) "Audit" means a financial audit and includes financial statement and financial-related audits as defined by government auditing standards as established by the U.S. comptroller general.

(2) "Board" means the Montana board of public accountants provided for in 2-15-1756.

(3) "Department" means the department of administration.

(4) (a) "Financial assistance" means assistance provided by a federal, state, or local government entity to a local government entity or subrecipient to carry out a program. Financial assistance may be in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property, interest subsidies, insurance, direct appropriations, or other noncash assistance. Financial assistance includes awards received directly from federal and state agencies or indirectly when subrecipients receive funds identified as federal or state funds by recipients. The granting agency is responsible for identifying the source of funds awarded to recipients. The recipient is responsible for identifying the source of funds awarded to subrecipients.

(b) Financial assistance does not include direct federal, state, or local government cash assistance to individuals.

(5) "Financial report" means a presentation of financial statements, including applicable supplemental notes and supplemental schedules, that are prepared in a format published by the department using the Budgetary Accounting and Reporting System for Montana Cities, Towns, and Counties Manual and that reflect a current financial position and the operating results for the 1-year reporting period.

(6) "Independent auditor" means:

(a) a federal, state, or local government auditor who meets the standards specified in the government auditing standards; or

- 1 (b) a certified public accountant who meets the standards in subsection (6)(a).
- 2 (7) (a) "Local government entity" means a county, city, district, or public corporation that:
- 3 (i) has the power to raise revenue or receive, disburse, or expend local, state, or federal
- 4 government revenue for the purpose of serving the general public;
- 5 (ii) is governed by a board, commission, or individual elected or appointed by the public or
- 6 representatives of the public; and
- 7 (iii) receives local, state, or federal financial assistance.
- 8 (b) Local government entities include but are not limited to:
- 9 (i) airport authority districts;
- 10 (ii) cemetery districts;
- 11 (iii) counties;
- 12 (iv) county housing authorities;
- 13 (v) county road improvement districts;
- 14 (vi) county sewer districts;
- 15 (vii) county water districts;
- 16 (viii) county weed management districts;
- 17 (ix) drainage districts;
- 18 (x) fire companies;
- 19 (xi) fire districts;
- 20 (xii) fire protection authorities;
- 21 ~~(xii)~~(xiii) fire service areas;
- 22 ~~(xiii)~~(xiv) hospital districts;
- 23 ~~(xiv)~~(xv) incorporated cities or towns;
- 24 ~~(xv)~~(xvi) irrigation districts;
- 25 ~~(xvi)~~(xvii) mosquito districts;
- 26 ~~(xvii)~~(xviii) municipal fire departments;
- 27 ~~(xviii)~~(xix) municipal housing authority districts;
- 28 ~~(xix)~~(xx) port authorities;

- 1 ~~(xx)~~(xxi) solid waste management districts;
- 2 ~~(xxi)~~(xxii) rural improvement districts;
- 3 ~~(xxii)~~(xxiii) school districts, including a district's extracurricular funds;
- 4 ~~(xxiii)~~(xxiv) soil conservation districts;
- 5 ~~(xxiv)~~(xxv) special education or other cooperatives;
- 6 ~~(xxv)~~(xxvi) television districts;
- 7 ~~(xxvi)~~(xxvii) urban transportation districts;
- 8 ~~(xxvii)~~(xxviii) water conservancy districts;
- 9 ~~(xxviii)~~(xxix) regional resource authorities; and
- 10 ~~(xxix)~~(xxx) other miscellaneous and special districts.

11 (8) "Revenues" means all receipts of a local government entity from any source excluding the
12 proceeds from bond issuances."

14 **Section 22.** Section 7-3-1345, MCA, is amended to read:

15 **"7-3-1345. Fire department.** (1) The fire department of the municipality is in the charge of a director,
16 who ~~shall be~~ is department chief thereof and who shall manage and control manages and controls the
17 department in the manner prescribed by the ordinances of the municipality.

18 (2) (a) Notwithstanding any other provision of law, the adoption of a consolidated county municipal
19 government ~~shall have no effect on~~ does not affect the existence, rights, or duties of any voluntary fire
20 department, ~~or fire district, or fire protection authority~~ created and legally in existence pursuant to the provisions
21 of ~~parts 21 and 23 of chapter 33~~ Title 7, chapter 33, part 21, 23, or [sections 1 through 20].

22 (b) Nothing in ~~this part or part 12 shall be construed to prohibit~~ or this part prohibits the creation of
23 voluntary fire departments, ~~or fire districts, or fire protection authorities~~ pursuant to the provisions of ~~parts 21~~
24 ~~and 23 of chapter 33~~ Title 7, chapter 33, part 21, 23, or [sections 1 through 20] within consolidated county
25 municipalities.

26 (c) Voluntary fire departments, ~~or fire districts, or fire protection authorities~~ within consolidated
27 county municipalities may only be organized, created, supported, financed, dissolved, and managed and their
28 boundaries may only be changed pursuant to the provisions of ~~parts 21 and 23 of chapter 33~~ Title 7, chapter

33, part 21, 23, or [sections 1 through 20]. These organizations may enter mutual aid agreements as provided by 7-33-2108."

Section 23. Section 7-4-2711, MCA, is amended to read:

"7-4-2711. County attorney to be legal adviser of county and other subdivisions. (1) The county attorney is the legal adviser of the board of county commissioners. The county attorney shall attend their meetings when required and shall attend and oppose all claims and accounts against the county that are unjust or illegal. The county attorney shall defend all suits brought against the county.

(2) The county attorney shall:

(a) give, when required and without fee, an opinion in writing to the county, district, and township officers on matters relating to the duties of their respective offices;

(b) act as counsel, without fee, for fire districts, ~~and fire service areas,~~ and fire protection authorities in unincorporated territories, towns, or villages within the county;

(c) when requested by a conservation district pursuant to 76-15-319, act as counsel, without fee;

(d) when requested by a weed district pursuant to 7-22-2109, act as counsel, without fee; and

(e) when requested by a county hospital board pursuant to 7-34-2115, act as counsel, without fee, unless the legal action requested involves the county commissioners."

Section 24. Section 7-6-204, MCA, is amended to read:

"7-6-204. Crediting of interest -- exceptions. (1) Interest paid and collected on deposits or investments must be credited to the general fund of the county, city, or town to whose credit the funds are deposited unless otherwise provided:

(a) by law;

(b) by terms of a gift, grant, or donation; or

(c) by subsections (2) and (3).

(2) Subject to subsection (1), interest paid and collected on the deposits or investments of the funds of a volunteer fire district or department organized in an unincorporated area under Title 7, chapter 33, part 21, ~~or 23,~~ or [sections 1 through 20] or of a fire service area or county fire department must be credited to

1 the account of that fire district, service area, fire protection authority, or department.

2 (3) Subject to subsection (1), interest paid and collected on the deposits or investments of any
3 fund separately created and accounted for by a county, city, or town may be credited to the separately created
4 fund proportionately to each fund's participation in the deposit or investment."

5

6 **Section 25.** Section 7-11-1002, MCA, is amended to read:

7 **"7-11-1002. Definitions.** As used in this part, the following definitions apply:

8 (1) "Governing body" means the legislative authority of a local government.

9 (2) "Local government" means a city, town, county, or consolidated city-county government or any
10 combination of these acting jointly.

11 (3) (a) "Special district" means a unit of local government that is authorized by law to perform a
12 single function or a limited number of functions.

13 (b) The term includes but is not limited to cemetery districts, museum districts, park districts, fair
14 districts, solid waste districts, local improvement districts, mosquito control districts, multijurisdictional districts,
15 road districts, rodent control districts, television districts, and districts created for any public or governmental
16 purpose not specifically prohibited by law. The term also includes any district or other entity formed to perform a
17 single or limited number of functions by interlocal agreement.

18 (c) The term does not include business improvement districts, cattle protective districts,
19 conservancy districts, conservation districts, water and sewer districts, planning and zoning districts, drainage
20 districts, grazing districts, hospital districts, irrigation districts, library districts, livestock protective committees,
21 parking districts, resort area districts, rural improvement districts, special improvement districts, lighting districts,
22 rural fire districts, fire protection authorities, street maintenance districts, tax increment financing districts, urban
23 transportation districts, water conservation and flood control projects, and weed management districts."

24

25 **Section 26.** Section 7-33-2108, MCA, is amended to read:

26 **"7-33-2108. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual
27 aid agreement is an agreement for protection against disasters, incidents, or emergencies.

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

(a) other fire districts;

(b) unincorporated municipalities;

(c) incorporated municipalities;

(d) state agencies;

(e) private fire prevention agencies;

(f) federal agencies;

(g) fire service areas;

(h) fire protection authorities;

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

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

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

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

Section 27. Section 7-33-2110, MCA, is amended to read:

"7-33-2110. Volunteer fire districts or companies -- fire departments -- not affected by city-county consolidation. (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, a fire protection authority, or a fire district created and legally in existence pursuant to the provisions of this part unless otherwise specifically provided by charter.

(2) A right or benefit of any member of a volunteer fire district, company, fire protection authority, or department created pursuant to the provisions of this part in a retirement or pension plan or payments provided under Title 19, chapter 17, may not be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter."

Section 28. Section 7-33-2202, MCA, is amended to read:

1 **"7-33-2202. Functions of county governing body.** (1) The county governing body, with respect to
 2 rural fire control, shall carry out the specific authorities and duties imposed in this section.

3 (2) The governing body shall provide for:

4 (a) ~~provide for~~ the organization of volunteer rural fire control crews; and

5 (b) ~~provide for~~ the formation of county volunteer fire companies.

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

8 (4) Pursuant to 76-13-105(3), the county governing body shall, within the limitations of 7-33-2205,
 9 7-33-2206, 7-33-2208, and 7-33-2209, either:

10 (a) directly protect from fire land in the county that is not in a wildland fire protection district, as
 11 provided in 76-13-204, or under the protection of a municipality, state agency, or federal agency; or

12 (b) enter into an agreement for wildland fire protection with a recognized agency, as that term is
 13 defined in 76-13-102.

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

16 (a) other fire districts;

17 (b) unincorporated municipalities;

18 (c) incorporated municipalities;

19 (d) state agencies;

20 (e) private fire prevention agencies;

21 (f) federal agencies;

22 (g) fire service areas;

23

(h) fire protection authorities;

24 ~~(h)(i)~~ governing bodies of other political subdivisions in Montana; or

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

27 (6) If the county governing body has not concluded a mutual aid agreement, the county governing
 28 body, a representative of the county governing body, or an incident commander may request assistance

1 pursuant to 10-3-209."

2

3 **Section 29.** Section 7-33-2208, MCA, is amended to read:

4 **"7-33-2208. Fire control powers -- liability.** (1) Any county rural fire chief, district rural fire chief or
5 deputy, fire protection authority chief or deputy, or fire service area or fire company fire chief or deputy may
6 enter private property or direct the entry of fire control crews for the purpose of suppressing fires.

7 (2) A chief or deputy and the county, rural district, fire company, fire protection authority, or fire
8 service area are immune from suit for injury to persons or property resulting from actions taken to suppress
9 fires under 10-3-209 or this section. An entity or individual listed in this section is also immune from suit for
10 injury to persons or property resulting from a determination not to provide assistance requested pursuant to 10-
11 3-209.

12 (3) An owner of real property is not liable for damages or injury resulting from acts or omissions by
13 a volunteer firefighter of a rural fire district, fire service area, fire protection authority, or fire company while the
14 firefighter is engaged in fire suppression activities on the owner's property."

15

16 **Section 30.** Section 7-33-2316, MCA, is amended to read:

17 **"7-33-2316. Volunteer fire districts or companies -- fire departments -- not affected by city-**
18 **county consolidation.** (1) Notwithstanding any other provision of law, the adoption of a city-county
19 consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire
20 company, fire protection authority, or a fire district created and legally in existence pursuant to the provisions of
21 this part unless otherwise specifically provided by charter.

22 (2) A right or benefit of any member of a volunteer fire district, company, or department created
23 pursuant to the provisions of this part in a retirement or pension plan or payments provided under Title 19,
24 chapter 17, may not be abrogated by the adoption of a city-county consolidated local government unless
25 otherwise specifically provided by charter."

26

27 **Section 31.** Section 7-33-2405, MCA, is amended to read:

28 **"7-33-2405. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual

1 aid agreement is an agreement for protection against disasters, incidents, or emergencies.

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

4 (a) other fire service areas;

5 (b) unincorporated municipalities;

6 (c) incorporated municipalities;

7 (d) state agencies;

8 (e) private fire prevention agencies;

9 (f) federal agencies;

10 (g) fire districts;

11 (h) fire protection authorities;

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

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

15 (3) If the governing body of a fire service area has not concluded a mutual aid agreement, the
16 governing body, a representative of the governing body, or an incident commander may request assistance
17 pursuant to 10-3-209.

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

20

21 **Section 32.** Section 7-33-4101, MCA, is amended to read:

22 **"7-33-4101. Fire protection services.** (1) Every city and town shall provide for fire protection in a
23 manner that is organized, managed, and controlled as provided in this chapter.

24 (2) (a) Except as provided in 7-33-4115(6), a first-class city or town shall provide fire protection
25 services either through a fire protection authority as provided in [sections 1 through 20] or as provided in this
26 part.

27 (b) A second-class city or town may provide fire protection services ~~as provided in this part~~
28 through:

- 1 (i) ~~through~~ an interlocal agreement with another governmental fire protection provider under the
2 provisions of Title 7, chapter 11, part 1;
- 3 (ii) ~~through~~ a contract with another fire protection provider; ~~or~~
4 (iii) subject to 7-33-4115, annexing to a rural fire district established under Title 7, chapter 33, part
5 21; or
6 (iv) a fire protection authority as established under [sections 1 through 20].
- 7 (c) A third-class city or town may provide fire protection through a contract for fire protection
8 services, consolidation of its fire department with another fire protection provider, inclusion in a fire service
9 authority as provided in [sections 1 through 20], or inclusion in a rural fire district as provided in Title 7, chapter
10 33, part 21."

11
12 **Section 33.** Section 7-33-4110, MCA, is amended to read:

13 **"7-33-4110. Volunteer companies not affected.** Nothing contained in 7-33-4101 through 7-33-4104,
14 7-33-4106 through 7-33-4108, 7-33-4112, 7-33-4113, 7-33-4122 through 7-33-4125, ~~and 7-33-4127,~~ or
15 [sections 1 through 20] shall be held or construed to affect any fire organization known as a volunteer fire
16 company."

17
18 **Section 34.** Section 7-33-4112, MCA, is amended to read:

19 **"7-33-4112. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual
20 aid agreement is an agreement for protection against disasters, incidents, or emergencies.

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

- 23 (a) other incorporated municipalities;
24 (b) fire districts;
25 (c) unincorporated municipalities;
26 (d) state agencies;
27 (e) private fire prevention agencies;
28 (f) federal agencies;

1 (g) fire service areas;

2 (h) fire protection authorities;

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

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

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

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

11

12 **Section 35.** Section 7-33-4510, MCA, is amended to read:

13 **"7-33-4510. Workers' compensation for volunteer firefighters -- notification if coverage not**
14 **provided -- definitions.** (1) An employer may provide workers' compensation coverage as provided in Title 39,
15 chapter 71, to any volunteer firefighter who is listed on a roster of service.

16 (2) An employer may purchase workers' compensation coverage from any entity authorized to
17 provide workers' compensation coverage under plan No. 1, 2, or 3 as provided in Title 39, chapter 71.

18 (3) If an employer provides workers' compensation coverage as provided in this section, the
19 employer may, upon payment of the filing fee provided for in 7-4-2631(1)(a), file a roster of service with the
20 clerk and recorder in the county in which the employer is located and update the roster of service monthly if
21 necessary to report changes in the number of volunteers on the roster of service. The clerk and recorder shall
22 file the original and replace it with updates whenever necessary. The employer shall maintain the roster of
23 service with the effective date of membership for each volunteer firefighter.

24 (4) If an employer does not provide workers' compensation coverage, the employer shall annually
25 notify the employer's volunteer firefighters that coverage is not provided.

26 (5) For the purposes of this section, the following definitions apply:

27 (a) (i) "Employer" means the governing body of a fire agency organized under Title 7, chapter 33,
28 including a rural fire district, a fire service area, a volunteer fire department, a volunteer fire company, or a

1 volunteer rural fire control crew, or a fire protection authority.

2 (ii) The term does not mean a governing body of a city of the first class or second class, including
3 a city to which 7-33-4109 applies, that provides workers' compensation coverage to employees as defined in
4 39-71-118.

5 (b) "Roster of service" means the list of volunteer firefighters who have filled out a membership
6 card prior to performing services as a volunteer firefighter.

7 (c) (i) "Volunteer firefighter" means a volunteer who is on the employer's roster of service. A
8 volunteer firefighter may include a volunteer emergency care provider as defined in 50-6-202 who is on the
9 roster of service. A volunteer firefighter is not required to be an active member as defined in 19-17-102.

10 (ii) The term does not mean an individual who is not listed on a roster of service or a member of a
11 volunteer fire department provided for in 7-33-4109."

12

13 **Section 36.** Section 10-3-209, MCA, is amended to read:

14 **"10-3-209. Political subdivision requests for assistance -- application to fire districts, fire**
15 **service areas, fire protection authorities, and fire companies in unincorporated places -- immunity.** (1) If
16 an incident, emergency, or disaster occurs in a political subdivision that has not concluded a mutual aid
17 agreement pursuant to 10-3-202, the local or interjurisdictional agency, incident commander, or principal
18 executive officer of the political subdivision may request assistance from another public or private agency.

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

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

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

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

28 (iv) the trustees of a fire protection authority created pursuant to [sections 1 through 20].

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

- (i) a fire district;
- (ii) an unincorporated municipality;
- (iii) an incorporated municipality;
- (iv) a state agency;
- (v) a private fire prevention agency;
- (vi) an agency of the federal government;
- (vii) a fire service area;

(viii) a fire protection authority;

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

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

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

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

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

- (a) a fire district;
- (b) a fire service area;
- (c) a fire company;
- (d) a fire protection authority;

1 ~~(d)~~(e) an unincorporated municipality, town, or village;
2 ~~(e)~~(f) a political subdivision; or
3 ~~(f)~~(g) an agent, employee, representative, or volunteer of an entity listed in this subsection."
4

5 **Section 37.** Section 13-37-206, MCA, is amended to read:

6 **"13-37-206. Exception for certain school districts and certain special districts.** (1) The
7 provisions of this part, except 13-37-216 and 13-37-217, do not apply to a candidate for the office of trustee of a
8 school district, the candidate's political campaign, or a political committee organized to support or oppose a
9 school district issue or a candidate when the school district is:

- 10 (a) a first-class district located in a county having a population of less than 15,000;
11 (b) a second- or third-class district; or
12 (c) a county high school district having a student enrollment of less than 2,000.

13 (2) The provisions of this part, except 13-37-216 and 13-37-217, do not apply to a candidate, the
14 candidate's political campaign, or a political committee organized to support or oppose an issue or a candidate
15 if the candidate is running for or the committee's issue involves a unit of local government authorized by law to
16 perform a single function or a limited number of functions, including but not limited to a conservation district, a
17 weed management district, a fire district, a fire protection authority, a community college district, a hospital
18 district, an irrigation district, a sewer district, a transportation district, a water district, any other special purpose
19 district, or any entity formed by interlocal agreement."
20

21 **Section 38.** Section 19-17-102, MCA, is amended to read:

22 **"19-17-102. Definitions.** Unless the context requires otherwise, the following definitions apply in this
23 chapter:

24 (1) "Active member" means a volunteer firefighter credited with service under this chapter as
25 provided in 19-17-108 during the most recently reportable fiscal year.

26 (2) "Allowance" means a total monetary and gift amount that is available to a volunteer firefighter
27 from a fire company pursuant to 19-17-110.

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

- 1 (4) "Board" means the public employees' retirement board provided for in 2-15-1009.
- 2 (5) "Claim" means a request from a member, surviving spouse, or dependent child for payment of
3 medical or funeral expenses.
- 4 (6) "Compensation" means remuneration for services rendered as a firefighter from the fire
5 company requesting credit for that firefighter.
- 6 (7) "Dependent child" means a child who is unmarried, who is under 18 years of age, and who is
7 the child of a deceased member.
- 8 (8) "Designated official" means a representative of a fire company appointed by the fire chief to
9 perform specified actions and includes but is not limited to a fire company supervisor, a fire company secretary,
10 and a fire company presiding officer as described in 7-33-2312.
- 11 (9) "Disability" or "permanent total disability" means a duty-related injury resulting in permanent
12 total disability as defined in 39-71-116.
- 13 (10) "Fire company" means:
14 (a) an organization of volunteer firefighters created under the authority of a governing board or
15 commission to serve an unincorporated area, town, or village; or
16 (b) a fire protection authority, if the authority includes only volunteer firefighters and is established
17 in accordance with [sections 1 through 20] to serve an unincorporated area, town, or village.
- 18 (11) "Fiscal year" means the 12-month period that begins on July 1 and ends on June 30 of the
19 following year.
- 20 (12) "Inactive member" means a member not credited with service under this chapter as provided in
21 19-17-108 during the most recently reportable fiscal year.
- 22 (13) "Member" means a volunteer firefighter who has service credited under this chapter.
- 23 (14) "Pension benefit" means a full or partial payment for service earned as a volunteer firefighter
24 and does not include payment for disability.
- 25 (15) "Pension trust fund" means the volunteer firefighters' pension trust fund established to pay
26 claims and benefits under this chapter.
- 27 (16) "Reimbursed" means the return by a fire company of an equivalent amount of money expended
28 by a member for the benefit of the fire company.

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

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

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

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

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

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

Section 39. Section 50-63-202, MCA, is amended to read:

"50-63-202. Fire chief or sheriff to conduct investigation. If the fire occurs within a municipality, organized fire district, fire protection authority, or fire service area, the chief of the governmental fire agency organized under Title 7, chapter 33, having jurisdiction or the chief's designee shall conduct the investigation. If the fire occurs outside a municipality, organized fire district, or fire service area, the county sheriff shall conduct the investigation or ensure that an investigation is conducted."

NEW SECTION. Section 40. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. Section 41. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 42. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

1 the part remains in effect in all valid applications that are severable from the invalid applications.

2

3 NEW SECTION. Section 43. Codification instruction. [Sections 1 through 20] are intended to be
4 codified as an integral part of Title 7, chapter 33, and the provisions of Title 7, chapter 33, apply to [sections 1
5 through 20].

6

7 NEW SECTION. Section 44. Two-thirds vote required. Because [sections 29 and 36] limit
8 governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the
9 members of each house of the legislature for passage.

10

11 NEW SECTION. Section 45. Effective date. [This act] is effective on passage and approval.

12

- END -