

VOLUME 32**Opinion No. 17****COUNTIES, CITIES: Power to establish and maintain ambulance service under Section 69-3601, R.C.M. 1947—Section 69-3601, R.C.M. 1947.****HELD: The provisions of section 69-3601, Revised Codes of Montana, 1947, is a grant of power under which a city or town may contract with a county for the establishment and maintenance of ambulance service for the entire population of the county, city and towns involved.**

July 9, 1968

Mr. Larry Persson
County Attorney
Ravalli County
Hamilton, Montana

Dear Mr. Persson:

You have requested my opinion on the following question:

Whether section 69-3601, Revised Codes of Montana, 1947, is a grant of power by which a city or town may contract with an adjacent unincorporated area comprising less than an entire county for the purpose of providing joint ambulance service to the residents of those areas.

The statute in question reads as follows:

A county, city or town acting through its governing body, may establish and maintain an ambulance service for such county, city or town. Any county, city or town may contract with any county, city or town to establish and maintain a joint ambulance service and to share the costs, such costs to be apportioned according to the benefits to accrue, the proportion to be paid by each to be fixed in advance by joint resolution by the respective governing bodies, if the governing body has received a petition signed by fifteen per centum (15%) of the electors registered to vote in the county, city or town at the last preceding general election, or in each of the counties, cities or towns wherein a joint ambulance service is being established. In addition to all other levies authorized by law, each county, city or town may levy an annual tax up to one (1) mill on the dollar of the taxable value of all taxable property within the county, city or town to defray the costs incurred in providing ambulance service.

In Montana the cities and counties have only that authority that is specifically granted by the Constitution and the statutes of the state. **Plath v. Hi-Ball**, 139 Mont. 263, 362 P. 2d 1021 (1961), **City of Bozeman v. Ramsey**, 139 Mont. 148, 362 P. 2d 206 (1961), **Libby v. Haswell**, 147 Mont. 492, 414 P. 2d 652 (1966). For this reason it is necessary to interpret section 69-3601, R.C.M. 1947, to determine the extent of the legislative grant of power. A reading of this section indicates that the language is plain, simple, direct and unambiguous. As stated in **Clark v. Olson**, 96 Mont. 417, 31 P 2d 283 (1934), under such circumstances.

The intention of any legislation must be inferred in the first place from the plain meaning of the words used. If this intention can be so arrived at, the courts may not go further and apply other means of interpretation. *State v. Cudahy Packing Co.*, 33 Mont. 179, 82 P. 833, 144 Am. St. Rep. 804, 8 Ann. Cas. 717; *State ex rel. Rankin v. Wibaux County Bank*, 85 Mont. 532, 281 P. 341; *Great Northern Utilities Company v. Public Service Commission*, 88 Mont. 180, 293 P. 294.

The plain meaning of the words in section 69-3601 indicates that the legislature contemplated the establishment and maintenance of ambulance service only where the service was extended to an entire county, city or town. The statute provides that the governing body of the county, city or town may provide the service upon petition by fifteen percent (15%) of the electors in the county, city or town, and that upon the establishment of such service a mill levy not to exceed one (1) mill may be made upon "all taxable property within the county,

city or town". The reference to the governing body indicates the intent that the body should act for the county, city or town and not a part of it. The reference to fifteen percent (15%) of the electors clearly means fifteen percent (15%) of the electors of the whole county, city or town. And finally, the reference to the mill levy expressly states the intention that the levy, to be made upon all taxable property in the county, is to provide for the service which is to be performed for the entire county. The statute makes repeated references to counties, cities and towns and at no time makes reference or inference to parts of a county, city or town.

The specific question herein presented, although limited to contracts between cities and part of a county, should not be read to permit the establishment of such a service district in less than an entire county, city or town as a single unit.

It is my opinion that a plain reading of section 69-3601, R.C.M. 1947, will not permit the creation of ambulance service districts in less than entire counties, cities or towns or in combinations of the same.

Very truly yours,

FORREST H. ANDERSON
Attorney General

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