

1 SENATE BILL NO. 240
2 INTRODUCED BY McCALLUM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5 CREATION AND ESTABLISHMENT OF AMBULANCE DISTRICTS, RELATING
6 TO THE TERRITORY THAT MAY BE INCLUDED WITHIN ANY SUCH
7 DISTRICT; DEFINING "AMBULANCE FACILITIES"; PROVIDING
8 PROCEDURES FOR THE CREATION OF SUCH DISTRICTS UPON PETITION
9 TO THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY AND FOR
10 ELECTIONS UPON THE QUESTION OF CREATING SUCH DISTRICTS;
11 PRESCRIBING THE QUALIFICATIONS OF PETITIONERS FOR THE
12 CREATION OF SUCH DISTRICTS AND REQUIRING PERSONS VOTING AT
13 ELECTIONS FOR THE CREATION OF SUCH DISTRICTS TO BE OWNERS OF
14 PROPERTY WITHIN SUCH DISTRICTS; DEFINING THE POWERS OF SUCH
15 DISTRICTS; PROVIDING FOR THE MANAGEMENT OF SUCH DISTRICTS BY
16 A BOARD OF TRUSTEES AND FOR THE ADMINISTRATION OF THE FUNDS
17 OF SUCH DISTRICTS BY SUCH BOARD OF TRUSTEES; AND PROVIDING
18 PROCEDURES FOR ANNEXATION OF ADDITIONAL LAND AREA WITHIN ANY
19 SUCH DISTRICT; AND REPEALING SECTIONS 69-3601, 69-3602 AND
20 69-3603, R.C.M. 1947."

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

23 Section 1. Purpose of act -- allowable territory
24 embraced within ambulance district. The purpose of this act
25 is to authorize the establishment of ambulance districts

1 which shall have power to supply ambulance facilities and
2 services to residents of such districts and, as herein
3 authorized, to others. An ambulance district may contain the
4 entire territory embraced within a county or any portion or
5 subdivision thereof.

6 Section 2. Ambulance facilities defined. As used in
7 this chapter, unless the context otherwise requires,
8 "ambulance facilities" mean one or more ambulances and
9 related equipment, including but not limited to mobile life
10 support systems, communication equipment, garage and storage
11 facilities, and training programs for unpaid volunteer
12 ambulance drivers and attendants.

13 Section 3. Petition to board of county commissioners.
14 (1) Proceedings for creation of an ambulance district shall
15 be initiated by a petition, signed by not less than 30% of
16 the qualified electors of the proposed ambulance district
17 who are taxpayers upon property within the proposed
18 ambulance district and whose names appear on the last
19 completed assessment roll for state and county taxes. The
20 petition may consist of one sheet or several sheets
21 identical in form and fastened together after being
22 circulated and signed so as to form a single, complete
23 petition before being delivered to the county clerk. The
24 petition shall give the post-office address and voting
25 precinct of each petitioner. Only persons who are qualified

INTRODUCED BILL

1 to sign such petitions shall be qualified to circulate the
 2 same, and there shall be attached to the complete petition
 3 the affidavit of some person who circulated or assisted in
 4 circulating the petition that he believes the signatures
 5 thereon are genuine and the signers knew the contents
 6 thereof before signing the same. The complete petition,
 7 addressed to the board of county commissioners of the county
 8 in which the proposed district is situated, shall be filed
 9 with the county clerk who shall within 15 days thereafter
 10 carefully examine the same and the county records showing
 11 the qualifications of the petitioners and attach it to a
 12 certificate under his official signature and the seal of his
 13 office. The certificate shall set forth:

14 (a) the total number of persons who are registered
 15 electors within the proposed ambulance district and whose
 16 names appear upon the last completed assessment roll for the
 17 state and county taxes;

18 (b) which and how many of the persons whose names are
 19 subscribed to such petition are possessed of all of the
 20 qualifications required of signers to such petition;

21 (c) whether such qualified signers constitute more or
 22 less than 30% of the registered electors of the proposed
 23 ambulance district who are taxpayers upon property thereon
 24 and whose names appear on the last completed assessment roll
 25 for the state and county taxes.

1 (2) The county clerk shall present the petition and
 2 his certificate to the board of county commissioners at its
 3 first meeting held after he has attached his certificate.
 4 The board shall thereupon carefully examine the petition
 5 and, if it is found that the petition is in proper form and
 6 bears the requisite number of signatures of qualified
 7 petitioners, the board shall by resolution call a hearing on
 8 the creation of such ambulance district. A notice of such
 9 hearing shall be published in a newspaper having general
 10 circulation in the territory within the boundaries of the
 11 proposed ambulance district, once each week for at least 2
 12 weeks, the last publication to be at least 2 weeks before
 13 the hearing. If there is no newspaper having general
 14 circulation within the boundaries of the proposed ambulance
 15 district, the notice of hearing shall be posted in at least
 16 three public places within the boundaries of the proposed
 17 district for 2 weeks before the hearing. The notice shall
 18 state the time, date, place, and purpose of the hearing,
 19 describe the boundaries of the proposed ambulance district,
 20 and state that any person residing in or owning property
 21 within the proposed ambulance district may appear in support
 22 of or in opposition to the petition at such hearing.

23 Section 4. Hearing. At the time fixed for the hearing,
 24 the board shall hear all competent and relevant testimony
 25 offered in support of or in opposition to the petition and

1 the creation of such district. The hearing may be adjourned
 2 from time to time for the determination of facts or hearing
 3 petitioners or objectors without additional published or
 4 posted notice, but no adjournment may exceed 2 weeks in all
 5 from and after the date originally noticed and published for
 6 the hearing.

7 Section 5. Election on question of creation of
 8 district. The board of county commissioners, upon completion
 9 of the hearing, shall proceed by resolution to refer the
 10 question of the creation of such district to the persons
 11 qualified to vote on such proposition. The board, in its
 12 resolution of reference, may make such changes in the
 13 boundaries of the proposed district as it considers
 14 advisable, without, however, including any additional lands
 15 not described in the petition, and it shall call an election
 16 upon the question of the creation of the district.

17 Section 6. Resolution and order of board. (1) The
 18 board must, in its resolution, designate whether a special
 19 election shall be held or whether the matter shall be
 20 determined at the next general election. If a special
 21 election is ordered, the board must, in its order, specify
 22 the date for such election and the voting places and shall
 23 appoint and designate judges and clerks therefor.

24 (2) The election shall be held in all respects as
 25 nearly as practicable in conformity with the general

1 election laws; provided that if a special election is held,
 2 the polls shall be open from 8 a.m. to 5 p.m. on the day
 3 appointed for such election.

4 (3) At such election, the ballots must contain with
 5 words, "Ambulance District, Yes" and "Ambulance District,
 6 No". The judges of the election shall certify to the board
 7 of county commissioners the results of the election.

8 (4) No person may be qualified to vote at such
 9 election who has not attained legal age or who is not an
 10 owner of property within the boundaries of the district as
 11 defined by the roll of the county. Only qualified,
 12 registered electors residing within the proposed ambulance
 13 district who are taxpayers upon property therein and whose
 14 names appear on the last completed assessment roll for the
 15 state and county taxes shall have the right to vote on the
 16 question of the creation of the ambulance district.

17 Section 7. Favorable vote -- commissioners finally to
 18 organize district. In the event that a majority of the votes
 19 cast are in favor of the creation and establishment of the
 20 ambulance district, the board of county commissioners shall,
 21 within 10 days after the election, by resolution certify
 22 such result and proceed with the organization of such
 23 district as herein specified. After 20 days from the
 24 passage of such resolution, the validity of the creation of
 25 such ambulance district and the regularity of all

1 proceedings preliminary thereto may not be questioned or
2 asserted in any legal action.

3 Section 8. Government of district -- appointment,
4 election, and terms of trustees. (1) The ambulance district
5 shall be governed and managed by a board of three or five
6 trustees, elected by the registered electors residing in the
7 district. The number of trustees on the board and, if the
8 number is set at five, the initial terms of two trustees,
9 shall be fixed by the bylaws of the district.

10 (2) The trustees must be elected from among the
11 registered electors qualified to vote at general elections
12 within said district. The first board of trustees shall be
13 elected at the same election held upon the creation of the
14 district, subject to the creation thereof, shall qualify
15 upon the organization of the district, if created, and the
16 trustees may be nominated and have their names appear upon
17 the ballots upon the filing with the board of county
18 commissioners of a petition signed by any five qualified
19 electors of the district. Any elector may sign as many
20 nominating petitions as there are persons to be elected.

21 (3) The trustees elected for the first board shall
22 serve for terms commencing upon their being elected and
23 qualified and terminating 1, 2, and 3 years respectively,
24 from the first Monday in May following their election and
25 until their respective successors are elected and qualify.

1 Annually thereafter there may be elected a trustee to serve
2 for a term of 3 years and until his successor is qualified,
3 and such term of 3 years shall commence on the first Monday
4 in May following the trustee's election.

5 (4) All elections and nominations for election of
6 trustees thereafter shall be conducted by the qualified
7 voters in the same manner as provided by the laws of the
8 state of Montana for the election of school trustees of a
9 second- or third-class school district, provided that
10 wherever in the laws of the state of Montana it is provided
11 that certain action shall be performed or filings made with
12 the clerk of the school board, the trustees or the board of
13 trustees of the school district, or the county
14 superintendent of schools, the same shall, for the purposes
15 of this act, be taken to refer to the clerk of the board of
16 trustees of the ambulance district, the trustees or the
17 board of trustees of the public ambulance district, or the
18 county clerk, respectively.

19 (5) If there is no nomination petition filed, it is
20 not necessary to hold an election but the board of county
21 commissioners shall appoint a trustee to fill the term, the
22 term to be the same as if the trustee were elected.

23 (6) The trustees at their first meeting shall adopt
24 bylaws for the government and management of the district and
25 shall appoint a qualified person to serve as clerk of the

1 board, who may or may not be one of their number. The
 2 trustees shall serve without pay. A vacancy upon the board
 3 of trustees or in the office of clerk shall be filled by
 4 appointment by the remaining members, and the appointee
 5 shall serve until the next ensuing election for trustees.

6 Section 9. Powers of district. (1) An ambulance
 7 district shall have all powers necessary and convenient to
 8 the acquisition, betterment, operation, maintenance, and
 9 administration of such ambulance facilities as its board of
 10 trustees considers necessary and expedient. Without
 11 limitation on the foregoing general grant of powers, an
 12 ambulance district, acting by its board of trustees, may:

13 (a) employ administrative and other personnel, legal
 14 counsel, engineers, architects, accountants, and other
 15 qualified persons, who may be paid for their services by
 16 monthly salaries, hourly wages, and pension benefits or by
 17 such fees as may be agreed upon;

18 (b) cause reports, plans, studies, and recommendations
 19 to be prepared;

20 (c) lease, purchase, and contract for the purchase of
 21 real and personal property by option, contract for deed,
 22 conditional sales contract, or otherwise and acquire real or
 23 personal property by gift;

24 (d) lease or purchase and equip necessary ambulance
 25 facilities and maintain the same;

1 (e) contract with private ambulance operators to
 2 provide ambulance service within the district;

3 (f) adopt by resolution rules for the operation and
 4 administration of any and all facilities under its control
 5 and for provision of ambulance service;

6 (g) impose by resolution and collect charges for all
 7 services provided and made available by it;

8 (h) levy taxes;

9 (i) borrow money and issue bonds;

10 (j) procure insurance against liability of the
 11 district or its officers, employees, and unpaid volunteer
 12 drivers and attendants for torts committed within the scope
 13 of their official duties, whether governmental or
 14 proprietary, and against damage to or destruction of any of
 15 its facilities, equipment, or other property;

16 (k) sell or lease any of its equipment or supplies as
 17 may be considered expedient;

18 (l) cause audits to be made of its accounts, books,
 19 vouchers, and funds by competent public accountants.

20 (2) Such an ambulance district must provide its
 21 services to persons without regard to race, color, or sex,
 22 but this obligation does not prevent the board of trustees
 23 of such ambulance district from establishing reasonable
 24 minimum rates for ambulance services, and supplies
 25 indigents needing such services, and for the rendition of

1 which provision is made by the laws of Montana, must be
2 provided such ambulance service on terms and rates
3 prescribed or authorized by law.

4 (3) An ambulance district may borrow money by the
5 issuance of its bonds to provide funds for payment of part
6 or all of the cost of acquisition, equipment, improvement,
7 and betterment of ambulance facilities and to provide an
8 adequate working capital for a new ambulance, but the amount
9 of bonds issued for such purpose and outstanding at any time
10 may not exceed 5% of taxable property therein, as
11 ascertained by the last assessment for state and county
12 taxes previous to the issuance of such bonds. Such bonds
13 shall be authorized, sold, issued, and provision made for
14 their payment in the manner and subject to the conditions
15 and limitations prescribed for bonds of second- or
16 third-class school districts by 75-3903 through 75-3934.
17 Nothing precludes the provisions of 69-5301 through 69-5313
18 allowing the state to apply for and accept federal funds.

19 Section 10. Budget and tax levy. The board of
20 ambulance trustees shall, annually, present their budget to
21 the board of county commissioners at the regular budget
22 meetings as prescribed by law and therewith certify the
23 amount of money necessary and proper for the ensuing year.
24 The board of county commissioners must, annually, at the
25 time of levying county taxes fix and levy a tax in mills

1 upon all property within the ambulance district clearly
2 sufficient to raise the amount certified by the board of
3 ambulance trustees. The tax so levied for all ambulance
4 district purposes other than payment of bonded indebtedness
5 may not in any year exceed 3 mills on each dollar of taxable
6 valuation of property within the district.

7 Section 11. Additional tax levy -- election --
8 majority vote required. (1) If the maximum levy of 3 mills
9 on each dollar of taxable valuation of property within the
10 ambulance district is inadequate to raise the amount of
11 money certified as necessary and proper by the board of
12 ambulance trustees, as provided in 16-4309, the board of
13 county commissioners may make an additional levy upon the
14 taxable property within the ambulance district of 3 mills or
15 less sufficient to raise the amount certified by the board
16 of ambulance trustees.

17 (2) Before the additional levy may be made, the
18 question shall be submitted to a vote of the people at some
19 general or special election in the following form: Shall
20 there be an additional levy of (specify number) mills upon
21 the taxable property of the (specify ambulance district)
22 necessary to raise the sum of (specify the amount to be
23 raised by the additional tax levy) for the purpose of
24 (specify purpose for which the additional levy is made)?

25 FOR an additional levy to raise the sum of (state the

1 amount to be raised by the additional tax levy),
2 being (give number) mills.

3 AGAINST an additional tax levy to raise the sum of
4 (state amount to be raised by the additional tax
5 levy), being (give number) mills.

6 (3) A majority of the votes cast shall be necessary to
7 permit the levy which shall be collected in the same manner
8 as other ambulance district taxes.

9 (4) If the calculated percentage of qualified electors
10 voting in the election is less than 30%, the additional levy
11 is considered rejected.

12 Section 12. Notice -- conduct of election -- returns.
13 Notice of the election, clearly stating the amount and the
14 purpose of the additional levy, must be given and the
15 election held and conducted and the returns made in all
16 respects in the manner prescribed by law with regard to the
17 submission of questions to the electors under the general
18 election laws.

19 Section 13. Tax collections and funds. The procedures
20 for the collection of the tax shall be in accordance with
21 the existing laws of the state of Montana. The funds
22 collected under the tax levy shall be held by the county
23 treasurer who shall be, ex officio, the treasurer for the
24 ambulance district, and such treasurer shall keep a detailed
25 account of all tax moneys paid into the fund, of all other

1 moneys from any source received by the district, and of all
2 payments and disbursements from the fund. Funds shall be
3 paid out on warrants issued by direction of the board of
4 trustees, signed by the majority of its membership.

5 Section 14. Withdrawal of portion of district --
6 petition for. (1) Any portion of an ambulance district may
7 be withdrawn therefrom, as in this section provided, upon
8 receipt of a petition signed by 51% of the taxpayers, or
9 more, residing in and owning property within the area
10 desired to be withdrawn from any ambulance district, on the
11 grounds that such area will not be benefited by remaining in
12 the district. The board of county commissioners shall, upon
13 the filing of such a petition, fix a time for the hearing of
14 such withdrawal petition which time may not be more than 4
15 weeks after the receipt thereof. The board shall, at least 2
16 weeks prior to the time so fixed, publish a notice of such
17 hearing in two successive issues of a newspaper published in
18 the county. No petition for withdrawal may be entertained or
19 acted upon by the board unless the same is filed before
20 December 31 of the preceding year.

21 (2) Any person interested may appear at the hearing
22 and present objections to the withdrawal of the portion from
23 the district. The board shall consider the petition and all
24 objections thereto, pass upon the merits thereof, and make
25 its order in accordance therewith.

1 (3) A withdrawal shall be effective as of January 1
 2 following the issuance of the withdrawal order. Such order
 3 is subject to review by the district court of the county and
 4 appeal may be taken from the final judgment of such district
 5 court to the supreme court of Montana. All taxable property
 6 within the withdrawn area shall remain subject to taxation
 7 for any bonded indebtedness of the ambulance district
 8 existing as of the effective date of the withdrawal, to the
 9 same extent as it would have been subject if not withdrawn.

10 Section 15. Alteration of boundaries -- annexation.

11 (1) The boundaries of any such public ambulance district may
 12 be altered and outlying districts be annexed from territory
 13 contiguous thereto in the following manner: a petition
 14 signed by 10% or more freeholders within the territory
 15 proposed to be annexed or by a majority of such freeholders
 16 if there are less than 25 residing within the area proposed
 17 to be annexed, designating the boundaries of such contiguous
 18 territory proposed to be annexed and asking that it be
 19 annexed to the public ambulance district, shall be presented
 20 to the board of county commissioners of the county in which
 21 said public ambulance district is situated.

22 (2) At the first regular meeting after the
 23 presentation of the petition, the board of county
 24 commissioners shall cause notice of the petition to be
 25 published in two successive issues of a newspaper published

1 in the county prior to the date fixed by the board for the
 2 hearing of the petition which date may not be less than 4
 3 weeks after the filing of the petition. Upon the date fixed
 4 for the hearing or continuance thereof, the board shall take
 5 up and consider the petition and any objections which may be
 6 filed to the inclusion of any additional area or territory
 7 in the district. The board of county commissioners may by
 8 order entered on its minutes grant the petition either in
 9 whole or in part and, by order entered on its minutes, may
 10 alter the boundaries of the public ambulance district and
 11 annex thereto all or such portion of the area or territory
 12 described in the petition as will be benefited thereby.

13 (3) This territory shall become and be a part of the
 14 public ambulance district on the date fixed in the order of
 15 annexation and shall be subject to the taxes authorized by
 16 this act, including taxes for any preexisting indebtedness,
 17 together with the preexisting area of said district, and
 18 such taxes shall be uniform for the whole area and territory
 19 in the district, as enlarged.

20 Section 16. Dissolution of district. (1) At any time
 21 after 5 years from the date any public ambulance district is
 22 created, such district may be dissolved upon presentation to
 23 the board of county commissioners of a petition signed by at
 24 least 51% of the owners of property lying within such
 25 district as shown by the last completed assessment roll.

1 Upon the filing of such petition, the board of county
 2 commissioners shall set a time for hearing the same and
 3 shall cause notice thereof to be posted in at least three
 4 separate public places within the district for at least 2
 5 weeks prior to the hearing and to be published for at least
 6 two successive issues in a newspaper published in the county
 7 prior to such hearing.

8 (2) If upon such hearing the commissioners find the
 9 petition to be sufficient and that the district is not
 10 indebted in any amount beyond funds immediately available to
 11 extinguish all of its debts and obligations and that there
 12 is good reason for the dissolution of such district, the
 13 commissioners shall enter upon their minutes an order
 14 dissolving such district. Such order shall be filed of
 15 record, and the dissolution shall be effective for all
 16 purposes 6 months after the date of filing the order of
 17 dissolution, providing that at or before such time the board
 18 of trustees of the district certifies to the board of county
 19 commissioners that all debts and obligations of the district
 20 have been paid, discharged or irrevocably settled together
 21 with legal proof thereof. Any assets of the district
 22 remaining after all debts and obligations of the district
 23 have been paid, discharged, or irrevocably settled shall
 24 become the property of the county.

25 Section 17. Repealer. Sections 69-3601, 69-3602, and

1 69-3603, R.C.M. 1947, are repealed.

-End-

Approved by Comm.
on Local Government

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14 district, subject to the creation thereof, shall qualify
15 upon the organization of the district, if created, and the
16 trustees may be nominated and have their names appear upon
17 the ballots upon the filing with the board of county
18 commissioners of a petition signed by any five qualified
19 electors of the district. Any elector may sign as many
20 nominating petitions as there are persons to be elected.

21 (3) The trustees elected for the first board shall
22 serve for terms commencing upon their being elected and
23 qualified and terminating 1, 2, and 3 years respectively,
24 from the first Monday in May following their election and
25 until their respective successors are elected and qualify.

1 Annually thereafter there may be elected a trustee to serve
2 for a term of 3 years and until his successor is qualified,
3 and such term of 3 years shall commence on the first Monday
4 in May following the trustee's election.

5 (4) All elections and nominations for election of
6 trustees thereafter shall be conducted by the qualified
7 voters in the same manner as provided by the laws of the
8 state of Montana for the election of school trustees of a
9 second- or third-class school district, provided that
10 wherever in the laws of the state of Montana it is provided
11 that certain action shall be performed or filings made with
12 the clerk of the school board, the trustees or the board of
13 trustees of the school district, or the county
14 superintendent of schools, the same shall, for the purposes
15 of this act, be taken to refer to the clerk of the board of
16 trustees of the ambulance district, the trustees or the
17 board of trustees of the public ambulance district, or the
18 county clerk, respectively.

19 (5) If there is no nomination petition filed, it is
20 not necessary to hold an election but the board of county
21 commissioners shall appoint a trustee to fill the term, the
22 term to be the same as if the trustee were elected.

23 (6) The trustees at their first meeting shall adopt
24 bylaws for the government and management of the district and
25 shall appoint a qualified person to serve as clerk of the

1 board, who may or may not be one of their number. The
 2 trustees shall serve without pay. A vacancy upon the board
 3 of trustees or in the office of clerk shall be filled by
 4 appointment by the remaining members, and the appointee
 5 shall serve until the next ensuing election for trustees.

6 Section 9. Powers of district. (1) An ambulance
 7 district shall have all powers necessary and convenient to
 8 the acquisition, betterment, operation, maintenance, and
 9 administration of such ambulance facilities as its board of
 10 trustees considers necessary and expedient. Without
 11 limitation on the foregoing general grant of powers, an
 12 ambulance district, acting by its board of trustees, may:

13 (a) employ administrative and other personnel, legal
 14 counsel, engineers, architects, accountants, and other
 15 qualified persons, who may be paid for their services by
 16 monthly salaries, hourly wages, and pension benefits or by
 17 such fees as may be agreed upon;

18 (b) cause reports, plans, studies, and recommendations
 19 to be prepared;

20 (c) lease, purchase, and contract for the purchase of
 21 real and personal property by option, contract for deed,
 22 conditional sales contract, or otherwise and acquire real or
 23 personal property by gift;

24 (d) lease or purchase and equip necessary ambulance
 25 facilities and maintain the same;

1 (e) contract with private ambulance operators to
 2 provide ambulance service within the district;

3 (f) adopt by resolution rules for the operation and
 4 administration of any and all facilities under its control
 5 and for provision of ambulance service;

6 (g) impose by resolution and collect charges for all
 7 services provided and made available by it;

8 (h) levy taxes;

9 (i) borrow money and issue bonds;

10 (j) procure insurance against liability of the
 11 district or its officers, employees, and unpaid volunteer
 12 drivers and attendants for torts committed within the scope
 13 of their official duties, whether governmental or
 14 proprietary, and against damage to or destruction of any of
 15 its facilities, equipment, or other property;

16 (k) sell or lease any of its equipment or supplies as
 17 may be considered expedient;

18 (l) cause audits to be made of its accounts, books,
 19 vouchers, and funds by competent public accountants.

20 (4) Such an ambulance district must provide its
 21 services to persons without regard to race, color, or sex,
 22 but this obligation does not prevent the board of trustees
 23 of such ambulance district from establishing reasonable
 24 minimum rates for ambulance, services, and supplies.
 25 Indigents needing such services, and for the rendition of

1 which provision is made by the laws of Montana, must be
 2 provided such ambulance service on terms and rates
 3 prescribed or authorized by law.

4 (3) An ambulance district may borrow money by the
 5 issuance of its bonds to provide funds for payment of part
 6 or all of the cost of acquisition, equipment, improvement,
 7 and betterment of ambulance facilities and to provide an
 8 adequate working capital for a new ambulance, but the amount
 9 of bonds issued for such purpose and outstanding at any time
 10 may not exceed 5% of taxable property therein, as
 11 ascertained by the last assessment for state and county
 12 taxes previous to the issuance of such bonds. Such bonds
 13 shall be authorized, sold, issued, and provision made for
 14 their payment in the manner and subject to the conditions
 15 and limitations prescribed for bonds of second- or
 16 third-class school districts by 75-3903 through 75-3934.
 17 Nothing precludes the provisions of 69-5301 through 69-5313
 18 allowing the state to apply for and accept federal funds.

19 Section 10. Budget and tax levy. The board of
 20 ambulance trustees shall, annually, present their budget to
 21 the board of county commissioners at the regular budget
 22 meetings as prescribed by law and therewith certify the
 23 amount of money necessary and proper for the ensuing year.
 24 The board of county commissioners must, annually, at the
 25 time of laying county taxes fix and levy a tax in mills

1 upon all property within the ambulance district clearly
 2 sufficient to raise the amount certified by the board of
 3 ambulance trustees. The tax so levied for all ambulance
 4 district purposes other than payment of bonded indebtedness
 5 may not in any year exceed ~~3-mills~~ 1 MILL on each dollar of
 6 taxable valuation of property within the district.

7 Section 11. Additional tax levy -- election --
 8 majority vote required. (1) If the maximum levy of ~~3-mills~~ 1
 9 MILL on each dollar of taxable valuation of property within
 10 the ambulance district is inadequate to raise the amount of
 11 money certified as necessary and proper by the board of
 12 ambulance trustees, as provided in 16-4309, the board of
 13 county commissioners may make an additional levy upon he
 14 taxable property within the ambulance district of 3 mills or
 15 less sufficient to raise the amount certified by the board
 16 of ambulance trustees.

17 (2) Before the additional levy may be made, the
 18 question shall be submitted to a vote of the people at some
 19 general or special election in the following form: Shall
 20 there be an additional levy of (specify number) mills upon
 21 the taxable property of the (specify ambulance district)
 22 necessary to raise the sum of (specify the amount to be
 23 raised by the additional tax levy) for the purpose of
 24 (specify purpose for which the additional levy is made)?

25 FOR an additional levy to raise the sum of (state the

1 amount to be raised by the additional tax levy),
2 being (give number) mills.

3 AGAINST an additional tax levy to raise the sum of
4 (state amount to be raised by the additional tax
5 levy), being (give number) mills.

6 (3) A majority of the votes cast shall be necessary to
7 permit the levy which shall be collected in the same manner
8 as other ambulance district taxes.

9 (4) If the calculated percentage of qualified electors
10 voting in the election is less than 30%, the additional levy
11 is considered rejected.

12 Section 12. Notice -- conduct of election -- returns.
13 Notice of the election, clearly stating the amount and the
14 purpose of the additional levy, must be given and the
15 election held and conducted and the returns made in all
16 respects in the manner prescribed by law with regard to the
17 submission of questions to the electors under the general
18 election laws.

19 Section 13. Tax collections and funds. The procedures
20 for the collection of the tax shall be in accordance with
21 the existing laws of the state of Montana. The funds
22 collected under the tax levy shall be held by the county
23 treasurer who shall be, ex officio, the treasurer for the
24 ambulance district, and such treasurer shall keep a detailed
25 account of all tax moneys paid into the fund, of all other

1 moneys from any source received by the district, and of all
2 payments and disbursements from the fund. Funds shall be
3 paid out on warrants issued by direction of the board of
4 trustees, signed by the majority of its membership.

5 Section 14. Withdrawal of portion of district --
6 petition for. (1) Any portion of an ambulance district may
7 be withdrawn therefrom, as in this section provided, upon
8 receipt of a petition signed by 51% of the taxpayers, or
9 more, residing in and owning property within the area
10 desired to be withdrawn from any ambulance district, on the
11 grounds that such area will not be benefited by remaining in
12 the district. The board of county commissioners shall, upon
13 the filing of such a petition, fix a time for the hearing of
14 such withdrawal petition which time may not be more than 4
15 weeks after the receipt thereof. The board shall, at least 2
16 weeks prior to the time so fixed, publish a notice of such
17 hearing in two successive issues of a newspaper published in
18 the county. No petition for withdrawal may be entertained or
19 acted upon by the board unless the same is filed before
20 December 31 of the preceding year.

21 (2) Any person interested may appear at the hearing
22 and present objections to the withdrawal of the portion from
23 the district. The board shall consider the petition and all
24 objections thereto, pass upon the merits thereof, and make
25 its order in accordance therewith.

1 (3) A withdrawal shall be effective as of January 1
 2 following the issuance of the withdrawal order. Such order
 3 is subject to review by the district court of the county and
 4 appeal may be taken from the final judgment of such district
 5 court to the supreme court of Montana. All taxable property
 6 within the withdrawn area shall remain subject to taxation
 7 for any bonded indebtedness of the ambulance district
 8 existing as of the effective date of the withdrawal, to the
 9 same extent as it would have been subject if not withdrawn.

10 Section 15. Alteration of boundaries -- annexation.

11 (1) The boundaries of any such public ambulance district may
 12 be altered and outlying districts be annexed from territory
 13 contiguous thereto in the following manner: a petition
 14 signed by 10% or more freeholders within the territory
 15 proposed to be annexed or by a majority of such freeholders
 16 if there are less than 25 residing within the area proposed
 17 to be annexed, designating the boundaries of such contiguous
 18 territory proposed to be annexed and asking that it be
 19 annexed to the public ambulance district, shall be presented
 20 to the board of county commissioners of the county in which
 21 said public ambulance district is situated.

22 (2) At the first regular meeting after the
 23 presentation of the petition, the board of county
 24 commissioners shall cause notice of the petition to be
 25 published in two successive issues of a newspaper published

1 in the county prior to the date fixed by the board for the
 2 hearing of the petition which date may not be less than 4
 3 weeks after the filing of the petition. Upon the date fixed
 4 for the hearing or continuance thereof, the board shall take
 5 up and consider the petition and any objections which may be
 6 filed to the inclusion of any additional area or territory
 7 in the district. The board of county commissioners may by
 8 order entered on its minutes grant the petition either in
 9 whole or in part and, by order entered on its minutes, may
 10 alter the boundaries of the public ambulance district and
 11 annex thereto all or such portion of the area or territory
 12 described in the petition as will be benefited thereby.

13 (3) This territory shall become and be a part of the
 14 public ambulance district on the date fixed in the order of
 15 annexation and shall be subject to the taxes authorized by
 16 this act, including taxes for any preexisting indebtedness,
 17 together with the preexisting area of said district, and
 18 such taxes shall be uniform for the whole area and territory
 19 in the district, as enlarged.

20 Section 16. Dissolution of district. (1) At any time
 21 after 5 years from the date any public ambulance district is
 22 created, such district may be dissolved upon presentation to
 23 the board of county commissioners of a petition signed by at
 24 least 51% of the owners of property lying within such
 25 district as shown by the last completed assessment roll.

1 Upon the filing of such petition, the board of county
 2 commissioners shall set a time for hearing the same and
 3 shall cause notice thereof to be posted in at least three
 4 separate public places within the district for at least 2
 5 weeks prior to the hearing and to be published for at least
 6 two successive issues in a newspaper published in the county
 7 prior to such hearing.

8 (2) If upon such hearing the commissioners find the
 9 petition to be sufficient and that the district is not
 10 indebted in any amount beyond funds immediately available to
 11 extinguish all of its debts and obligations and that there
 12 is good reason for the dissolution of such district, the
 13 commissioners shall enter upon their minutes an order
 14 dissolving such district. Such order shall be filed of
 15 record, and the dissolution shall be effective for all
 16 purposes 6 months after the date of filing the order of
 17 dissolution, providing that at or before such time the board
 18 of trustees of the district certifies to the board of county
 19 commissioners that all debts and obligations of the district
 20 have been paid, discharged or irrevocably settled together
 21 with legal proof thereof. Any assets of the district
 22 remaining after all debts and obligations of the district
 23 have been paid, discharged, or irrevocably settled shall
 24 become the property of the county.

25 ~~Section 17. Repeater. Sections 69-3601-69-3602 and~~

1 ~~69-3603-Repeater-1947-repeated~~

-End-

1 SENATE BILL NO. 240

2 INTRODUCED BY McCALLUM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5 CREATION AND ESTABLISHMENT OF AMBULANCE DISTRICTS, RELATING
6 TO THE TERRITORY THAT MAY BE INCLUDED WITHIN ANY SUCH
7 DISTRICT; DEFINING "AMBULANCE FACILITIES"; PROVIDING
8 PROCEDURES FOR THE CREATION OF SUCH DISTRICTS UPON PETITION
9 TO THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY AND FOR
10 ELECTIONS UPON THE QUESTION OF CREATING SUCH DISTRICTS;
11 PRESCRIBING THE QUALIFICATIONS OF PETITIONERS FOR THE
12 CREATION OF SUCH DISTRICTS AND REQUIRING PERSONS VOTING AT
13 ELECTIONS FOR THE CREATION OF SUCH DISTRICTS TO BE OWNERS-OF
14 PROPERTY--WITHIN-SUCH-DISTRICTS QUALIFIED ELECTORS; DEFINING
15 THE POWERS OF SUCH DISTRICTS; PROVIDING FOR THE MANAGEMENT
16 OF SUCH DISTRICTS BY A BOARD OF TRUSTEES AND FOR THE
17 ADMINISTRATION OF THE FUNDS OF SUCH DISTRICTS BY SUCH BOARD
18 OF TRUSTEES; AND PROVIDING PROCEDURES FOR ANNEXATION OF
19 ADDITIONAL LAND AREA WITHIN ANY SUCH DISTRICT;--AND-REPEALING
20 SECTIONS 69-3601, 69-3602 AND 69-3603--R.C.M.-1947."

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 Section 1. Purpose of act -- allowable territory
24 embraced within ambulance district. The purpose of this act
25 is to authorize the establishment of ambulance districts

1 which shall have power to supply ambulance facilities and
2 services to residents of such districts and, as herein
3 authorized, to others. An ambulance district may contain the
4 entire territory embraced within a county or any portion or
5 subdivision thereof.

6 Section 2. Ambulance facilities defined. As used in
7 this chapter, unless the context otherwise requires,
8 "ambulance facilities" mean one or more ambulances and
9 related equipment, including but not limited to mobile life
10 support systems, communication equipment, garage and storage
11 facilities, and training programs for unpaid volunteer
12 ambulance drivers and attendants.

13 Section 3. Petition to board of county commissioners.
14 (1) Proceedings for creation of an ambulance district shall
15 be initiated by a petition, signed by not less than 30% of
16 the qualified electors of the proposed ambulance district
17 who are taxpayers upon property within the proposed
18 ambulance district and whose names appear on the last
19 completed assessment roll for state and county taxes. The
20 petition may consist of one sheet or several sheets
21 identical in form and fastened together after being
22 circulated and signed so as to form a single, complete
23 petition before being delivered to the county clerk. The
24 petition shall give the post-office address and voting
25 precinct of each petitioner. Only persons who are qualified

1 to sign such petitions shall be qualified to circulate the
 2 same, and there shall be attached to the complete petition
 3 the affidavit of some person who circulated or assisted in
 4 circulating the petition that he believes the signatures
 5 thereon are genuine and the signers knew the contents
 6 thereof before signing the same. The complete petition,
 7 addressed to the board of county commissioners of the county
 8 in which the proposed district is situated, shall be filed
 9 with the county clerk who shall within 15 days thereafter
 10 carefully examine the same and the county records showing
 11 the qualifications of the petitioners and attach it to a
 12 certificate under his official signature and the seal of his
 13 office. The certificate shall set forth:

14 (a) the total number of persons who are registered
 15 electors within the proposed ambulance district and whose
 16 names appear upon the last completed assessment roll for the
 17 state and county taxes;

18 (b) which and how many of the persons whose names are
 19 subscribed to such petition are possessed of all of the
 20 qualifications required of signers to such petition;

21 (c) whether such qualified signers constitute more or
 22 less than 30% of the registered electors of the proposed
 23 ambulance district who are taxpayers upon property thereon
 24 and whose names appear on the last completed assessment roll
 25 for the state and county taxes.

1 (2) The county clerk shall present the petition and
 2 his certificate to the board of county commissioners at its
 3 first meeting held after he has attached his certificate.
 4 The board shall thereupon carefully examine the petition
 5 and, if it is found that the petition is in proper form and
 6 bears the requisite number of signatures of qualified
 7 petitioners, the board shall by resolution call a hearing on
 8 the creation of such ambulance district. A notice of such
 9 hearing shall be published in a newspaper having general
 10 circulation in the territory within the boundaries of the
 11 proposed ambulance district, once each week for at least 2
 12 weeks, the last publication to be at least 2 weeks before
 13 the hearing. If there is no newspaper having general
 14 circulation within the boundaries of the proposed ambulance
 15 district, the notice of hearing shall be posted in at least
 16 three public places within the boundaries of the proposed
 17 district for 2 weeks before the hearing. The notice shall
 18 state the time, date, place, and purpose of the hearing,
 19 describe the boundaries of the proposed ambulance district,
 20 and state that any person residing in or owning property
 21 within the proposed ambulance district may appear in support
 22 of or in opposition to the petition at such hearing.

23 Section 4. Hearing. At the time fixed for the hearing,
 24 the board shall hear all competent and relevant testimony
 25 offered in support of or in opposition to the petition and

1 the creation of such district. The hearing may be adjourned
 2 from time to time for the determination of facts or hearing
 3 petitioners or objectors without additional published or
 4 posted notice, but no adjournment may exceed 2 weeks in all
 5 from and after the date originally noticed and published for
 6 the hearing.

7 Section 5. Election on question of creation of
 8 district. The board of county commissioners, upon completion
 9 of the hearing, shall proceed by resolution to refer the
 10 question of the creation of such district to the persons
 11 qualified to vote on such proposition. The board, in its
 12 resolution of reference, may make such changes in the
 13 boundaries of the proposed district as it considers
 14 advisable, without, however, including any additional lands
 15 not described in the petition, and it shall call an election
 16 upon the question of the creation of the district.

17 Section 6. Resolution and order of board. (1) The
 18 board must, in its resolution, designate whether a special
 19 election shall be held or whether the matter shall be
 20 determined at the next general election. If a special
 21 election is ordered, the board must, in its order, specify
 22 the date for such election and the voting places and shall
 23 appoint and designate judges and clerks therefor.

24 (2) The election shall be held in all respects as
 25 nearly as practicable in conformity with the general

1 election laws; provided that if a special election is held,
 2 the polls shall be open from 8 a.m. to 6 p.m. on the day
 3 appointed for such election.

4 (3) At such election, the ballots must contain with
 5 words, "Ambulance District, Yes" and "Ambulance District,
 6 No". The judges of the election shall certify to the board
 7 of county commissioners the results of the election.

8 (4) No person may be ~~qualified to vote at such~~
 9 election who has not attained legal age or AND who is not
 10 ~~OTHERWISE A QUALIFIED ELECTOR, an owner of property within~~
 11 ~~the boundaries of the district as defined by the roll of the~~
 12 ~~county. Only qualified, registered electors residing within~~
 13 ~~the proposed ambulance district who are taxpayers upon~~
 14 ~~property therein and whose names appear on the last~~
 15 ~~completed assessment roll for the state and county taxes~~
 16 ~~shall have the right to vote on the question of the creation~~
 17 ~~of the ambulance districts~~

18 Section 7. Favorable vote -- commissioners finally to
 19 organize district. In the event that a majority of the votes
 20 cast are in favor of the creation and establishment of the
 21 ambulance district, the board of county commissioners shall,
 22 within 10 days after the election, by resolution certify
 23 such result and proceed with the organization of such
 24 district as herein specified. After 20 days from the
 25 passage of such resolution, the validity of the creation of

1 such ambulance district and the regularity of all
2 proceedings preliminary thereto may not be questioned or
3 asserted in any legal action.

4 Section 8. Government of district -- appointment,
5 election, and terms of trustees. (1) The ambulance district
6 shall be governed and managed by a board of three or five
7 trustees, elected by the registered electors residing in the
8 district. The number of trustees on the board and, if the
9 number is set at five, the initial terms of two trustees,
10 shall be fixed by the bylaws of the district.

11 (2) The trustees must be elected from among the
12 registered electors qualified to vote at general elections
13 within said district. The first board of trustees shall be
14 elected at the same election held upon the creation of the
15 district, subject to the creation thereof, shall qualify
16 upon the organization of the district, if created, and the
17 trustees may be nominated and have their names appear upon
18 the ballots upon the filing with the board of county
19 commissioners of a petition signed by any five qualified
20 electors of the district. Any elector may sign as many
21 nominating petitions as there are persons to be elected.

22 (3) The trustees elected for the first board shall
23 serve for terms commencing upon their being elected and
24 qualified and terminating 1, 2, and 3 years respectively,
25 from the first Monday in May following their election and

1 until their respective successors are elected and qualify.
2 Annually thereafter there may be elected a trustee to serve
3 for a term of 3 years and until his successor is qualified,
4 and such term of 3 years shall commence on the first Monday
5 in May following the trustee's election.

6 (4) All elections and nominations for election of
7 trustees thereafter shall be conducted by the qualified
8 voters in the same manner as provided by the laws of the
9 state of Montana for the election of school trustees of a
10 second- or third-class school district, provided that
11 wherever in the laws of the state of Montana it is provided
12 that certain action shall be performed or filings made with
13 the clerk of the school board, the trustees or the board of
14 trustees of the school district, or the county
15 superintendent of schools, the same shall, for the purposes
16 of this act, be taken to refer to the clerk of the board of
17 trustees of the ambulance district, the trustees or the
18 board of trustees of the public ambulance district, or the
19 county clerk, respectively.

20 (5) If there is no nomination petition filed, it is
21 not necessary to hold an election but the board of county
22 commissioners shall appoint a trustee to fill the term, the
23 term to be the same as if the trustee were elected.

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25 bylaws for the government and management of the district and

1 shall appoint a qualified person to serve as clerk of the
 2 board, who may or may not be one of their number. The
 3 trustees shall serve without pay. A vacancy upon the board
 4 of trustees or in the office of clerk shall be filled by
 5 appointment by the remaining members, and the appointee
 6 shall serve until the next ensuing election for trustees.

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 9 the acquisition, betterment, operation, maintenance, and
 10 administration of such ambulance facilities as its board of
 11 trustees considers necessary and expedient. Without
 12 limitation on the foregoing general grant of powers, an
 13 ambulance district, acting by its board of trustees, may:

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 15 counsel, engineers, architects, accountants, and other
 16 qualified persons, who may be paid for their services by
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19 (b) cause reports, plans, studies, and recommendations
 20 to be prepared;

21 (c) lease, purchase, and contract for the purchase of
 22 real and personal property by option, contract for deed,
 23 conditional sales contract, or otherwise and acquire real or
 24 personal property by gift;

25 (d) lease or purchase and equip necessary ambulance

1 facilities and maintain the same;

2 (e) contract with private ambulance operators to
 3 provide ambulance service within the district;

4 (f) adopt by resolution rules for the operation and
 5 administration of any and all facilities under its control
 6 and for provision of ambulance service;

7 (g) impose by resolution and collect charges for all
 8 services provided and made available by it;

9 (h) levy taxes;

10 (i) borrow money and issue bonds;

11 (j) procure insurance against liability of the
 12 district or its officers, employees, and unpaid volunteer
 13 drivers and attendants for torts committed within the scope
 14 of their official duties, whether governmental or
 15 proprietary, and against damage to or destruction of any of
 16 its facilities, equipment, or other property;

17 (k) sell or lease any of its equipment or supplies as
 18 may be considered expedient;

19 (1) cause audits to be made of its accounts, books,
 20 vouchers, and funds by competent public accountants.

21 (2) Such an ambulance district must provide its
 22 services to persons without regard to race, color, or sex,
 23 but this obligation does not prevent the board of trustees
 24 of such ambulance district from establishing reasonable
 25 minimum rates for ambulance, services, and supplies.

1 Indigents needing such services, and for the rendition of
 2 which provision is made by the laws of Montana, must be
 3 provided such ambulance service on terms and rates
 4 prescribed or authorized by law.

5 (3) An ambulance district may borrow money by the
 6 issuance of its bonds to provide funds for payment of part
 7 or all of the cost of acquisition, equipment, improvement,
 8 and betterment of ambulance facilities and to provide an
 9 adequate working capital for a new ambulance, but the amount
 10 of bonds issued for such purpose and outstanding at any time
 11 may not exceed 5% of taxable property therein, as
 12 ascertained by the last assessment for state and county
 13 taxes previous to the issuance of such bonds. Such bonds
 14 shall be authorized, sold, issued, and provision made for
 15 their payment in the manner and subject to the conditions
 16 and limitations prescribed for bonds of second- or
 17 third-class school districts by 75-3903 through 75-3934.
 18 Nothing precludes the provisions of 69-5301 through 69-5313
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 21 ambulance trustees shall, annually, present their budget to
 22 the board of county commissioners at the regular budget
 23 meetings as prescribed by law and therewith certify the
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 25 The board of county commissioners must, annually, at the

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 2 upon all property within the ambulance district clearly
 3 sufficient to raise the amount certified by the board of
 4 ambulance trustees. The tax so levied for all ambulance
 5 district purposes other than payment of bonded indebtedness
 6 may not in any year exceed ~~3-mills~~ 1 MILL on each dollar of
 7 taxable valuation of property within the district.

8 Section 11. Additional tax levy -- election --
 9 majority vote required. (1) If the maximum levy of ~~3-mills~~ 1
 10 MILL on each dollar of taxable valuation of property within
 11 the ambulance district is inadequate to raise the amount of
 12 money certified as necessary and proper by the board of
 13 ambulance trustees, as provided in 16-4309, the board of
 14 county commissioners may make an additional levy upon the
 15 taxable property within the ambulance district of 3 mills or
 16 less sufficient to raise the amount certified by the board
 17 of ambulance trustees.

18 (2) Before the additional levy may be made, the
 19 question shall be submitted to a vote of the people at some
 20 general or special election in the following form: Shall
 21 there be an additional levy of (specify number) mills upon
 22 the taxable property of the (specify ambulance district)
 23 necessary to raise the sum of (specify the amount to be
 24 raised by the additional tax levy) for the purpose of
 25 (specify purpose for which the additional levy is made)?

1 FOR an additional levy to raise the sum of (state the
2 amount to be raised by the additional tax levy),
3 being (give number) mills.

4 AGAINST an additional tax levy to raise the sum of
5 (state amount to be raised by the additional tax
6 levy), being (give number) mills.

7 (3) A majority of the votes cast shall be necessary to
8 permit the levy which shall be collected in the same manner
9 as other ambulance district taxes.

10 (4) If the calculated percentage of qualified electors
11 voting in the election is less than 30%, the additional levy
12 is considered rejected.

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14 Notice of the election, clearly stating the amount and the
15 purpose of the additional levy, must be given and the
16 election held and conducted and the returns made in all
17 respects in the manner prescribed by law with regard to the
18 submission of questions to the electors under the general
19 election laws.

20 Section 13. Tax collections and funds. The procedures
21 for the collection of the tax shall be in accordance with
22 the existing laws of the state of Montana. The funds
23 collected under the tax levy shall be held by the county
24 treasurer who shall be, ex officio, the treasurer for the
25 ambulance district, and such treasurer shall keep a detailed

1 account of all tax moneys paid into the fund, of all other
2 moneys from any source received by the district, and of all
3 payments and disbursements from the fund. Funds shall be
4 paid out on warrants issued by direction of the board of
5 trustees, signed by the majority of its membership.

6 Section 14. Withdrawal of portion of district --
7 petition for. (1) Any portion of an ambulance district may
8 be withdrawn therefrom, as in this section provided, upon
9 receipt of a petition signed by 51% of the taxpayers, or
10 more, residing in and owning property within the area
11 desired to be withdrawn from any ambulance district, on the
12 grounds that such area will not be benefited by remaining in
13 the district. The board of county commissioners shall, upon
14 the filing of such a petition, fix a time for the hearing of
15 such withdrawal petition which time may not be more than 4
16 weeks after the receipt thereof. The board shall, at least 2
17 weeks prior to the time so fixed, publish a notice of such
18 hearing in two successive issues of a newspaper published in
19 the county. No petition for withdrawal may be entertained or
20 acted upon by the board unless the same is filed before
21 December 31 of the preceding year.

22 (2) Any person interested may appear at the hearing
23 and present objections to the withdrawal of the portion from
24 the district. The board shall consider the petition and all
25 objections thereto, pass upon the merits thereof, and make

1 its order in accordance therewith.

2 (3) A withdrawal shall be effective as of January 1
3 following the issuance of the withdrawal order. Such order
4 is subject to review by the district court of the county and
5 appeal may be taken from the final judgment of such district
6 court to the supreme court of Montana. All taxable property
7 within the withdrawn area shall remain subject to taxation
8 for any bonded indebtedness of the ambulance district
9 existing as of the effective date of the withdrawal, to the
10 same extent as it would have been subject if not withdrawn.

11 Section 15. Alteration of boundaries -- annexation.

12 (1) The boundaries of any such public ambulance district may
13 be altered and outlying districts be annexed from territory
14 contiguous thereto in the following manner: a petition
15 signed by 10% or more freeholders within the territory
16 proposed to be annexed or by a majority of such freeholders
17 if there are less than 25 residing within the area proposed
18 to be annexed, designating the boundaries of such contiguous
19 territory proposed to be annexed and asking that it be
20 annexed to the public ambulance district, shall be presented
21 to the board of county commissioners of the county in which
22 said public ambulance district is situated.

23 (2) At the first regular meeting after the
24 presentation of the petition, the board of county
25 commissioners shall cause notice of the petition to be

1 published in two successive issues of a newspaper published
2 in the county prior to the date fixed by the board for the
3 hearing of the petition which date may not be less than 4
4 weeks after the filing of the petition. Upon the date fixed
5 for the hearing or continuance thereof, the board shall take
6 up and consider the petition and any objections which may be
7 filed to the inclusion of any additional area or territory
8 in the district. The board of county commissioners may by
9 order entered on its minutes grant the petition either in
10 whole or in part and, by order entered on its minutes, may
11 alter the boundaries of the public ambulance district and
12 annex thereto all or such portion of the area or territory
13 described in the petition as will be benefited thereby.

14 (3) This territory shall become and be a part of the
15 public ambulance district on the date fixed in the order of
16 annexation and shall be subject to the taxes authorized by
17 this act, including taxes for any preexisting indebtedness,
18 together with the preexisting area of said district, and
19 such taxes shall be uniform for the whole area and territory
20 in the district, as enlarged.

21 Section 16. Dissolution of district. (1) At any time
22 after 5 years from the date any public ambulance district is
23 created, such district may be dissolved upon presentation to
24 the board of county commissioners of a petition signed by at
25 least 51% of the owners of property lying within such

1 district as shown by the last completed assessment roll.
 2 Upon the filing of such petition, the board of county
 3 commissioners shall set a time for hearing the same and
 4 shall cause notice thereof to be posted in at least three
 5 separate public places within the district for at least 2
 6 weeks prior to the hearing and to be published for at least
 7 two successive issues in a newspaper published in the county
 8 prior to such hearing.

9 (2) If upon such hearing the commissioners find the
 10 petition to be sufficient and that the district is not
 11 indebted in any amount beyond funds immediately available to
 12 extinguish all of its debts and obligations and that there
 13 is good reason for the dissolution of such district, the
 14 commissioners shall enter upon their minutes an order
 15 dissolving such district. Such order shall be filed of
 16 record, and the dissolution shall be effective for all
 17 purposes 6 months after the date of filing the order of
 18 dissolution, providing that at or before such time the board
 19 of trustees of the district certifies to the board of county
 20 commissioners that all debts and obligations of the district
 21 have been paid, discharged or irrevocably settled together
 22 with legal proof thereof. Any assets of the district
 23 remaining after all debts and obligations of the district
 24 have been paid, discharged, or irrevocably settled shall
 25 become the property of the county.

1 ~~Section 17, Repealer, Sections 69-3601, 69-3602, and~~
 2 ~~69-3603, RSM-1947, are repealed.~~

-End-

HOUSE OF REPRESENTATIVES

March 25, 1977

HOUSE COMMITTEE ON LOCAL GOVERNMENT AMENDMENTS TO SENATE BILL 240

1. Amend page 5, section 6, lines 18 through 23.

Following: "board"

Strike: lines 18 through 23 in their entirety

Insert: "shall designate, in its resolution, the date of the election. An election to create a district under this act may only be held in conjunction with a regularly scheduled election."

2. Amend page 6, section 6, lines 1 through 3.

Following: "laws"

Strike: lines 1 through 3 in their entirety

Insert: "."

3. Amend page 15, section 15, line 15.

Following: "signed by"

Strike: "10%"

Insert: "15%"

4. Amend page 16, section 15, line 8.

Following: "district."

Insert: "If a majority of the property owners in the area proposed to be annexed to the district file their objection to the annexation, the petition shall not be granted."

AS AMENDED BE CONCURRED IN