

SENATE BILL NO. 63

INTRODUCED BY TURNAGE

IN THE SENATE

January 6, 1983	Introduced and referred to Committee on State Administration.
January 15, 1983	Committee recommend bill do pass as amended. Report adopted.
January 17, 1983	Bill printed and placed on members' desks.
January 18, 1983	Second reading, do pass.
January 19, 1983	Considered correctly engrossed.
January 20, 1983	Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

January 21, 1983	Introduced and referred to Committee on Local Government.
February 7, 1983	Committee recommend bill be concurred in. Report adopted.
February 9, 1983	Motion pass consideration until 46th legislative day.
February 28, 1983	Second reading, concurred in.
March 1, 1983	Third reading, concurred in.

IN THE SENATE

March 2, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

1 *Senate* BILL NO. *63*  
2 INTRODUCED BY *Turnage*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE DUTIES OF  
5 A VOLUNTEER FIREFIGHTER FOR THE PURPOSE OF DISABILITY  
6 PAYMENTS AND EXEMPTING CERTAIN FIRE DISTRICTS FROM AUDITS  
7 CONDUCTED BY THE DEPARTMENT OF ADMINISTRATION; AMENDING  
8 SECTIONS 2-7-503, 19-12-502, AND 19-12-504, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-7-503, MCA, is amended to read:

12 "2-7-503. Audits of local governmental entities. (1)

13 The department shall audit the affairs of all:

14 (a) counties;

15 (b) incorporated cities and towns;

16 (c) first- and second-class school districts and  
17 third-class school districts that maintain a high school;

18 (d) school district extracurricular fund for pupil  
19 functions;

20 (e) irrigation districts;

21 (f) conservancy districts;

22 (g) fire districts and volunteer fire departments in  
23 unincorporated areas, towns, and villages supported by a  
24 mill levy, except as provided in subsection (6); and

25 (h) fire department relief associations.

1 (2) Each audit shall be made every 2 years and shall  
2 cover the immediately preceding 2 fiscal years of the  
3 governmental entity, unless annual audits are requested by  
4 the governmental entity.

5 (3) Each audit shall be initiated not later than 24  
6 months from the close of the fiscal year for which the audit  
7 is conducted.

8 (4) In addition to the audits required by this  
9 section, the department may at any time conduct a special  
10 audit of the affairs of any governmental entity referred to  
11 in this part.

12 (5) The fee for the special audit shall be a charge  
13 based upon the costs incurred by the department in the  
14 conduct of such special audit. The audit fee herein  
15 provided shall be paid by the governmental entity to the  
16 state treasurer and deposited in the revolving fund to the  
17 credit of the department.

18 (6) The department may not audit a fire district in  
19 which fire protection is provided solely by a fire company  
20 composed only of volunteer firefighters organized under  
21 Title 7, chapter 33, part 23. Such district shall annually  
22 file with the county treasurer of the county in which the  
23 majority of the district is located an itemized account of  
24 all receipts and expenditures for the prior year, signed  
25 under oath by an officer of the fire company designated by

1 ~~the fire district trustees."~~

2 NEW SECTION. Section 2. Duties of volunteer  
3 firefighters. The duties of a volunteer firefighter include  
4 any activity authorized by an officer of the fire company  
5 relating to travel to, participation in, and return from  
6 calls for fire protection, fire company meetings, training,  
7 medical assistance, search and rescue assistance, public  
8 service activities, such as parades, and calls for  
9 assistance to protect individual or public health and  
10 safety.

11 Section 3. Section 19-12-502, MCA, is amended to read:

12 "19-12-502. Procedure for claiming disability  
13 benefits. (1) A firefighter claiming benefits under  
14 19-12-504 must file his claim with the division on a form to  
15 be provided therefor. The claim must be verified by the  
16 claimant, the attending physician or surgeon and nurse, if  
17 any, and the person in charge of the hospital, if the  
18 claimant was confined. The claim must be filed with the  
19 division within 1 year from the date of disability.

20 (2) The claim must contain:

21 (a) the name and address of the claimant;

22 (b) the date, place, and manner of incurring of  
23 disability;

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

1 (d) the dates of confinement, if confined, or if not  
2 confined, the dates of attendance by a physician or surgeon  
3 and the dates of attendance by a nurse;

4 (e) the affidavit of the attending physician or  
5 surgeon as to the nature of the disability, the number and  
6 dates of visits, and the charges;

7 (f) if confined in a hospital, the affidavit of a  
8 person in charge stating the nature of the disability, the  
9 dates of confinement, and the expenses incurred while so  
10 confined;

11 (g) the affidavit of the chief or secretary of the  
12 fire company stating that the fire company was duly  
13 organized under the laws of Montana in an unincorporated  
14 town or village, that the claimant was, at the date of  
15 disability, an active enrolled member of the company, and  
16 that the disability was incurred in the line of duty as  
17 defined in [section 2];

18 (h) the affidavit of the nurse stating the nature of  
19 the disability, the dates of attendance, and the charges for  
20 services."

21 Section 4. Section 19-12-504, MCA, is amended to read:

22 "19-12-504. Disability benefits. (1) Each member of a  
23 fire company is entitled to receive compensation for  
24 disability incurred while in the performance of his duties  
25 as a firefighter, as defined in [section 2], when the

1 disability necessitates the services of a physician or  
2 surgeon, whether the member is confined or not. The  
3 compensation shall equal the amount of the member's  
4 necessary and reasonable medical expenses resulting directly  
5 from the disability and incurred within 36 months from the  
6 date of the injury which caused the disability. The total  
7 compensation may not exceed \$25,000.

8 (2) When an injury incurred in the line of duty  
9 results in the loss by amputation of an arm, hand, leg, or  
10 foot, the enucleation of an eye, or the loss of any natural  
11 teeth, the division shall order that an artificial member be  
12 furnished. The expense of furnishing an artificial member  
13 may not exceed \$1,500. The artificial member so furnished  
14 shall be replaced every 5 years, if necessary."

15 NEW SECTION. Section 5. Codification instruction.  
16 Section 2 is intended to be codified as an integral part of  
17 Title 19, chapter 12, and the provisions of Title 19,  
18 chapter 12 apply to section 2.

-End-

Approved by Committee  
on State Administration

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Section 1. Section 2-7-503, MCA, is amended to read:

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The department shall audit the affairs of all:

(a) counties;

(b) incorporated cities and towns;

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third-class school districts that maintain a high school;

(d) school district extracurricular fund for pupil  
functions;

(e) irrigation districts;

(f) conservancy districts;

(g) fire districts and volunteer fire departments in  
unincorporated areas, towns, and villages supported by a  
mill levy, except as provided in subsection (6); and

(h) fire department relief associations.

(2) Each audit shall be made every 2 years and shall  
cover the immediately preceding 2 fiscal years of the  
governmental entity, unless annual audits are requested by  
the governmental entity.

(3) Each audit shall be initiated not later than 24  
months from the close of the fiscal year for which the audit  
is conducted.

(4) In addition to the audits required by this  
section, the department may at any time conduct a special  
audit of the affairs of any governmental entity referred to  
in this part.

(5) The fee for the special audit shall be a charge  
based upon the costs incurred by the department in the  
conduct of such special audit. The audit fee herein  
provided shall be paid by the governmental entity to the  
state treasurer and deposited in the revolving fund to the  
credit of the department.

(6) The EXCEPT AS HEREIN PROVIDED, THE department may  
not audit a fire district WHICH HAS AN ANNUAL BUDGET OF LESS  
THAN \$20,000 AND in which fire protection is provided solely  
by a fire company composed only of volunteer firefighters  
organized under Title 7, chapter 33, part 23. Such district  
shall annually file with the county--treasurer BOARD OF  
COUNTY COMMISSIONERS of the county in which the majority of  
the district is located an itemized account of all receipts

SECOND READING

and expenditures for the prior year, signed under oath by an officer of the fire company designated by the fire district trustees. THE BOARD OF COUNTY COMMISSIONERS MAY REQUIRE AN ANNUAL AUDIT TO BE CONDUCTED BY THE DEPARTMENT IF IT CONSIDERS SUCH AUDIT TO BE IN THE PUBLIC INTEREST."

**NEW SECTION.** Section 2. Duties of volunteer firefighters. The duties of a volunteer firefighter include any activity authorized by an officer of the fire company relating to travel to, participation in, and return from calls for fire protection, fire company meetings, training, medical assistance, search and rescue assistance, public service activities, such as parades, and calls for assistance to protect individual or public health and safety.

Section 3. Section 19-12-502, MCA, is amended to read:

"19-12-502. Procedure for claiming disability benefits. (1) A firefighter claiming benefits under 19-12-504 must file his claim with the division on a form to be provided therefor. The claim must be verified by the claimant, the attending physician or surgeon and nurse, if any, and the person in charge of the hospital, if the claimant was confined. The claim must be filed with the division within 1 year from the date of disability.

(2) The claim must contain:

(a) the name and address of the claimant;

(b) the date, place, and manner of incurring of disability;

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

(d) the dates of confinement, if confined, or if not confined, the dates of attendance by a physician or surgeon and the dates of attendance by a nurse;

(e) the affidavit of the attending physician or surgeon as to the nature of the disability, the number and dates of visits, and the charges;

(f) if confined in a hospital, the affidavit of a person in charge stating the nature of the disability, the dates of confinement, and the expenses incurred while so confined;

(g) the affidavit of the chief or secretary of the fire company stating that the fire company was duly organized under the laws of Montana in an unincorporated town or village, that the claimant was, at the date of disability, an active enrolled member of the company, and that the disability was incurred in the line of duty as defined in [section 2];

(h) the affidavit of the nurse stating the nature of the disability, the dates of attendance, and the charges for services."

Section 4. Section 19-12-504, MCA, is amended to read:

1       "19-12-504. Disability benefits. (1) Each member of a  
2 fire company is entitled to receive compensation for  
3 disability incurred while in the performance of his duties  
4 as a firefighter, as defined in [section 2], when the  
5 disability necessitates the services of a physician or  
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9 from the disability and incurred within 36 months from the  
10 date of the injury which caused the disability. The total  
11 compensation may not exceed \$25,000.

12       (2) When an injury incurred in the line of duty  
13 results in the loss by amputation of an arm, hand, leg, or  
14 foot, the enucleation of an eye, or the loss of any natural  
15 teeth, the division shall order that an artificial member be  
16 furnished. The expense of furnishing an artificial member  
17 may not exceed \$1,500. The artificial member so furnished  
18 shall be replaced every 5 years, if necessary."

19       NEW SECTION. Section 5. Codification instruction.  
20 Section 2 is intended to be codified as an integral part of  
21 Title 19, chapter 12, and the provisions of Title 19,  
22 chapter 12 apply to section 2.

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1 and expenditures for the prior year, signed under oath by an  
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