

HOUSE BILL 143

Introduced by Whalen

1/10	Introduced
1/10	Referred to Local Government
1/11	First Reading
1/22	Hearing
1/29	Tabled in Committee

HOUSE BILL NO. 143

INTRODUCED BY Whalen

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING PROCEDURES FOR ESTABLISHING A FIRE SERVICE AREA; AND AMENDING SECTIONS 7-33-2401 AND 7-33-2404, MCA."

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

Section 1. Section 7-33-2401, MCA, is amended to read:

7-33-2401. Fire service area -- establishment -- alteration -- dissolution. (1) Upon receipt of a petition signed by ~~at least 30 owners of real property in the proposed service area, or by~~ a majority of the owners of real property ~~if there are no more than 30 owners of real property~~ in the proposed service area, the board of county commissioners may establish a fire service area within an unincorporated area not part of a rural fire district in the county to provide the services and equipment set forth in 7-33-2402.

(2) To establish a fire service area, the board shall:

(a) pass a resolution of intent to form the area, with public notice as provided in 7-1-2121 and written notice as provided in 7-1-2122;

(b) hold a public hearing ~~no earlier than 30 or later than 90 days~~ within 30 days after passage of the resolution

of intent;

(c) at the public hearing,

~~{i} accept written protests from property owners of the area of the proposed area, and~~

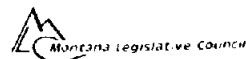
~~{ii} receive general protests and comments relating to the establishment of the fire service area and its boundaries, rates, service levels, or any other matter relating to the proposed fire service area; and~~

(d) accept written protests, at the public hearing and for a period of 30 days after the public hearing, from the property owners of the proposed area; and

~~{d}(e)~~ (e) pass a resolution creating the fire service area. The area is created ~~effective 60 days~~ after passage of the resolution unless ~~by that date~~ more than 50% of the property owners of the proposed fire service area protest its creation.

(3) Based on testimony received in the public hearing, the board in the resolution creating the fire service area may establish different boundaries, establish a different fee schedule than proposed, or change the manner in which the area will provide services to its residents.

(4) The board of county commissioners may alter the boundaries or dissolve a fire service area, using the same procedures required for the creation of a fire service area. Any existing indebtedness of a fire service area that is



1 dissolved remains the responsibility of the owners of
 2 property within the area, and any assets remaining after all
 3 indebtedness has been satisfied must be returned to the
 4 owners of property within the area."

5 **Section 2.** Section 7-33-2404, MCA, is amended to read:

6 "7-33-2404. Financing of fire service area -- fee on
 7 structures. (1) In the resolution creating the fire service
 8 area and by resolution as necessary thereafter, the board of
 9 county commissioners shall establish a schedule of rates to
 10 be charged owners of structures that are benefited by the
 11 fire services offered by the fire service area. Once the
 12 fire service area is created, the board of county
 13 commissioners or the trustees, if the fire service area is
 14 governed by trustees under 7-33-2403, shall hold a public
 15 hearing annually to discuss proposed rates, rate increases,
 16 and the proposed budget for the fire service area. Public
 17 notice of the hearing must be given as provided for in
 18 7-1-2121.

19 (2) The rates must be applied on a fair and equal basis
 20 to all classes of structures benefited by the fire service
 21 area.

22 (3) The board of county commissioners shall collect the
 23 funds necessary to operate the fire service area by charging
 24 the area rate as a special assessment on the owners of
 25 structures and collect the assessments with the general

1 taxes of the county. The assessments are a lien on the
 2 property so assessed.

3 (4) The board of county commissioners or the trustees,
 4 if the fire service area is governed by trustees under
 5 7-33-2403, may pledge the income of the fire service area to
 6 secure financing necessary to procure fire equipment and
 7 buildings to house fire equipment. The outstanding amount of
 8 such indebtedness may not exceed 7% of the taxable valuation
 9 of the area."

-End-