

HOUSE BILL 483

Introduced by Kadas, et al.

1/30	Introduced
1/30	Referred to Local Government
1/31	First Reading
2/19	Hearing
2/19	Tabled in Committee

1 *House* BILL NO. *483*
 2 INTRODUCED BY *Kedon Richard Manning Kennedy*
 3 *William Driscoll*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GIVE CITIES AND
 5 TOWNS THE AUTHORITY TO ESTABLISH, MANAGE, AND COLLECT FEES
 6 FOR FIRE SERVICE AREAS."
 7

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

9 NEW SECTION. Section 1. Fire service area --
 10 establishment -- alteration -- dissolution. (1) The
 11 governing body of a city or town may establish a fire
 12 service area to provide the services and equipment set forth
 13 in [section 2] within its incorporated boundaries and beyond
 14 the boundaries in areas not part of a rural fire district or
 15 fire service area of a county.

16 (2) To establish a fire service area, the governing
 17 body shall:

18 (a) pass a resolution of intent to form the area after
 19 publishing and mailing notices as provided in 7-1-2121 and
 20 7-1-2122;

21 (b) hold a public hearing no earlier than 30 days or
 22 later than 90 days after passing the resolution of intent;

23 (c) at the public hearing:

24 (i) accept written protests from property owners of the
 25 proposed area; and

1 (ii) receive general protests and comments relating to
 2 the establishment of the area and its boundaries, rates,
 3 service levels, or any other matter relating to the proposed
 4 area; and

5 (d) pass a resolution creating the area. The area is
 6 established effective 60 days after passage of the
 7 resolution unless by that date the property owners
 8 responsible for more than 50% of the total assessment of the
 9 proposed area protest its establishment.

10 (3) Based on testimony received in the public hearing,
 11 the governing body may, in the resolution establishing the
 12 fire service area, establish different boundaries, establish
 13 a different fee schedule than proposed, or change the manner
 14 in which the area will provide services to its residents.

15 (4) The governing body may alter the boundaries of a
 16 fire service area or dissolve an area, using the same
 17 procedures required to establish an area. Any existing
 18 indebtedness of a fire service area that is dissolved
 19 remains the responsibility of the owners of property within
 20 the area. Any assets remaining after all indebtedness has
 21 been satisfied must be returned to the owners of property
 22 within the area.

23 NEW SECTION. Section 2. Area services. A fire service
 24 area established pursuant to [section 1] may provide
 25 residents of the area with:



-2- INTRODUCED BILL
 HB 483

1 (1) fire equipment, housing for the equipment, and
2 related maintenance for use by a fire service agency
3 providing service to the area; or

4 (2) fire protection by contracting for the services of
5 a fire service agency.

6 NEW SECTION. Section 3. Government and management of
7 fire service area. Whenever the governing body has
8 established a fire service area, it may:

- 9 (1) govern and manage the affairs of the area; or
10 (2) appoint five qualified trustees to govern and
11 manage the affairs of the area.

12 NEW SECTION. Section 4. Financing of fire service area
13 -- assessment rates on structures. (1) In the resolution
14 creating the fire service area and by resolution as
15 necessary thereafter, the governing body shall establish a
16 schedule of rates to be charged owners of structures that
17 benefit from the fire services offered by the fire service
18 area.

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

22 (3) The governing body shall collect the funds
23 necessary to operate the fire service area by charging the
24 area rate as a special assessment on the owners of
25 structures. The assessments are a lien on the property

1 assessed.

2 (4) The governing body or the trustees, if the fire
3 service area is governed by trustees under [section 3], may
4 pledge the income of the fire service area to secure
5 financing necessary to procure fire equipment and buildings
6 to house fire equipment. The outstanding amount of
7 indebtedness may not exceed 7% of the taxable valuation of
8 the area.

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

-End-

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INTRODUCED BILL
HB 483



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