

1 House BILL NO. 536
 2 INTRODUCED BY Bradley Beach, Clerk
 3 Barbara Mason
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FIRE SERVICE
 5 AREA TO PROVIDE EMERGENCY RESPONSE AND EMERGENCY MEDICAL
 6 SERVICES; AND AMENDING SECTIONS 7-33-2401 AND 7-33-2402,
 7 MCA."
 8

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

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

11 *7-33-2401. Fire service area -- establishment --
 12 alteration -- dissolution. (1) Upon receipt of a petition
 13 signed by at least 30 owners of real property in the
 14 proposed service area, or by a majority of the owners of
 15 real property if there are no more than 30 owners of real
 16 property in the proposed service area, the board of county
 17 commissioners may establish a fire service area within an
 18 unincorporated area not part of a rural fire district in the
 19 county to provide the services and equipment set forth in
 20 7-33-2402.

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

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

25 (b) hold a public hearing no earlier than 30 or later

1 than 90 days after passage of the resolution of intent;

2 (c) at the public hearing:

3 (i) accept written protests from property owners of the
 4 area of the proposed area; and

5 (ii) receive general protests and comments relating to
 6 the establishment of the fire service area and its
 7 boundaries, rates, service kinds, types, or levels of
 8 service, or any other matter relating to the proposed fire
 9 service area; and

10 (d) pass a resolution creating the fire service area.

11 The area is created effective 60 days after passage of the
 12 resolution unless by that date more than 50% of the property
 13 owners of the proposed fire service area protest its
 14 creation.

15 (3) Based on testimony received in the public hearing,
 16 the board in the resolution creating the fire service area
 17 may establish different boundaries, establish a different
 18 fee schedule than proposed, change the kinds, types, or
 19 levels of service, or change the manner in which the area
 20 will provide services to its residents.

21 (4) The board of county commissioners may alter the
 22 boundaries or the kinds, types, or levels of service or
 23 dissolve a fire service area, using the same procedures
 24 required for the creation of a fire service area. Any
 25 existing indebtedness of a fire service area that is

LC 1416/01

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 7-33-2402, MCA, is amended to read:

6 "7-33-2402. **Area services.** A fire service area created
7 pursuant to 7-33-2401 may provide residents of the area with
8 adequate and standard:

9 (1) fire, emergency medical, and emergency response
10 equipment, and adequate personnel, facilities housing--for
11 the--equipment, and related maintenance, for use-by a fire
12 service agency providing service to the area; or

13 (2) fire protection by contracting for the services of
14 a fire service agency."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 536
2 INTRODUCED BY BRADLEY, BIANCHI, ECK, THAYER,
3 BARDANOUE, WALLIN
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FIRE SERVICE
6 AREA TO PROVIDE EMERGENCY RESPONSE AND EMERGENCY MEDICAL
7 SERVICES; AND AMENDING SECTIONS 7-33-2401 AND, 7-33-2402,
8 AND 7-33-2404, MCA."
9

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

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

12 "7-33-2401. Fire service area -- establishment --
13 alteration -- dissolution. (1) Upon receipt of a petition
14 signed by at least 30 owners of real property in the
15 proposed service area, or by a majority of the owners of
16 real property if there are no more than 30 owners of real
17 property in the proposed service area, the board of county
18 commissioners may establish a fire service area within an
19 unincorporated area not part of a rural fire district in the
20 county to provide the services and equipment set forth in
21 7-33-2402.

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

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

1 (b) hold a public hearing no earlier than 30 or later
2 than 90 days after passage of the resolution of intent;

3 (c) at the public hearing:

4 (i) accept written protests from property owners of the
5 area of the proposed area; and

6 (ii) receive general protests and comments relating to
7 the establishment of the fire service area and its
8 boundaries, rates, service kinds, types, or levels of
9 service, or any other matter relating to the proposed fire
10 service area; and

11 (d) pass a resolution creating the fire service area.
12 The area is created effective 60 days after passage of the
13 resolution unless by that date more than 50% of the property
14 owners of the proposed fire service area protest its
15 creation.

16 (3) Based on testimony received in the public hearing,
17 the board in the resolution creating the fire service area
18 may establish different boundaries, establish a different
19 fee schedule than proposed, change the kinds, types, or
20 levels of service, or change the manner in which the area
21 will provide services to its residents.

22 (4) The board of county commissioners may alter the
23 boundaries or the kinds, types, or levels of service or
24 dissolve a fire service area, using the same procedures
25 required for the creation of a fire service area. Any

SECOND READING
HB 536



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

6 **Section 2.** Section 7-33-2402, MCA, is amended to read:

7 **"7-33-2402. Area services.** A fire service area created
8 pursuant to 7-33-2401 may provide residents of the area with
9 adequate and standard:

10 (1) ~~(A) fire emergency medical and emergency response~~
11 ~~equipment, and adequate personnel, facilities housing for~~
12 ~~the equipment, and related maintenance, for use by a fire~~
13 ~~service agency providing service to the area; or~~

14 ~~(B) fire protection by contracting for the services~~
15 ~~of a fire service agency; AND~~

16 (2) EMERGENCY MEDICAL SERVICES AND EQUIPMENT, LICENSED
17 BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES, AND
18 RELATED PERSONNEL, FACILITIES, AND MAINTENANCE."

19 **SECTION 3. SECTION 7-33-2404, MCA, IS AMENDED TO READ:**

20 **"7-33-2404. Financing of fire service area -- fee on**
21 **structures.** (1) In the resolution creating the fire service
22 area and by resolution as necessary thereafter, the board of
23 county commissioners shall establish a schedule of rates to
24 be charged owners of structures that are benefited by the
25 fire services offered by the fire service area.

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

4 (3) The board of county commissioners shall collect the
5 funds necessary to operate the fire service area by charging
6 the area rate as a special assessment on the owners of
7 structures and collect the assessments with the general
8 taxes of the county. The assessments are a lien on the
9 property so assessed.

10 (4) The board of county commissioners or the trustees,
11 if the fire service area is governed by trustees under
12 7-33-2403, may pledge the income of the fire service area to
13 secure financing necessary to procure fire equipment and
14 buildings to house fire the equipment. The outstanding
15 amount of such indebtedness may not exceed 7% of the taxable
16 valuation of the area."

-End-

1 HOUSE BILL NO. 536

2 INTRODUCED BY BRADLEY, BIANCHI, ECK, THAYER,

3 BARDANOUE, WALLIN

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FIRE SERVICE
6 AREA TO PROVIDE EMERGENCY RESPONSE AND EMERGENCY MEDICAL
7 SERVICES; AND AMENDING SECTIONS 7-33-2401 AND 7-33-2402,
8 AND 7-33-2404, MCA."

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

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

12 *7-33-2401. Fire service area -- establishment --
13 alteration -- dissolution. (1) Upon receipt of a petition
14 signed by at least 30 owners of real property in the
15 proposed service area, or by a majority of the owners of
16 real property if there are no more than 30 owners of real
17 property in the proposed service area, the board of county
18 commissioners may establish a fire service area within an
19 unincorporated area not part of a rural fire district in the
20 county to provide the services and equipment set forth in
21 7-33-2402.

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

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

1 (b) hold a public hearing no earlier than 30 or later
2 than 90 days after passage of the resolution of intent;

3 (c) at the public hearing:

4 (i) accept written protests from property owners of the
5 area of the proposed area; and

6 (ii) receive general protests and comments relating to
7 the establishment of the fire service area and its
8 boundaries, rates, service kinds, types, or levels of
9 service, or any other matter relating to the proposed fire
10 service area; and

11 (d) pass a resolution creating the fire service area.

12 The area is created effective 60 days after passage of the
13 resolution unless by that date more than 50% of the property
14 owners of the proposed fire service area protest its
15 creation.

16 (3) Based on testimony received in the public hearing,
17 the board in the resolution creating the fire service area
18 may establish different boundaries, establish a different
19 fee schedule than proposed, change the kinds, types, or
20 levels of service, or change the manner in which the area
21 will provide services to its residents.

22 (4) The board of county commissioners may alter the
23 boundaries or the kinds, types, or levels of service or
24 dissolve a fire service area, using the same procedures
25 required for the creation of a fire service area. Any

THIRD READING

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

6 **Section 2.** Section 7-33-2402, MCA, is amended to read:

7 **"7-33-2402. Area services.** A fire service area created
 8 pursuant to 7-33-2401 may provide residents of the area with
 9 adequate and standard:

10 (1) (A) fire~~7-emergency-medical~~7 and emergency response
 11 equipment~~7, and--adequate~~ personnel, facilities housing-for
 12 the-equipment, and related maintenance, for use--by a fire
 13 service agency providing service to the area; or

14 (B) fire protection by contracting for the services
 15 of a fire service agency; AND

16 (2) EMERGENCY MEDICAL SERVICES AND EQUIPMENT, LICENSED
 17 BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES, AND
 18 RELATED PERSONNEL, FACILITIES, AND MAINTENANCE."

19 **SECTION 3. SECTION 7-33-2404, MCA, IS AMENDED TO READ:**

20 **"7-33-2404. Financing of fire service area -- fee on**
 21 **structures.** (1) In the resolution creating the fire service
 22 area and by resolution as necessary thereafter, the board of
 23 county commissioners shall establish a schedule of rates to
 24 be charged owners of structures that are benefited by the
 25 fire services offered by the fire service area.

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

4 (3) The board of county commissioners shall collect the
 5 funds necessary to operate the fire service area by charging
 6 the area rate as a special assessment on the owners of
 7 structures and collect the assessments with the general
 8 taxes of the county. The assessments are a lien on the
 9 property so assessed.

10 (4) The board of county commissioners or the trustees,
 11 if the fire service area is governed by trustees under
 12 7-33-2403, may pledge the income of the fire service area to
 13 secure financing necessary to procure fire equipment and
 14 buildings to house fire the equipment. The outstanding
 15 amount of such indebtedness may not exceed 7% of the taxable
 16 valuation of the area."

-End-

HOUSE BILL NO. 536

INTRODUCED BY BRADLEY, BIANCHI, ECK, THAYER,
BARDANOUE, WALLIN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FIRE SERVICE
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SERVICES; AND AMENDING SECTIONS 7-33-2401 AND 7-33-2402,
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 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 kinds, types, or levels of
service, or any other matter relating to the proposed fire
service area; and

(d) 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, change the kinds, types, or
levels of service, 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 the kinds, types, or levels of service or
dissolve a fire service area, using the same procedures
required for the creation of a fire service area. Any

REFERENCE BILL



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

6 **Section 2.** Section 7-33-2402, MCA, is amended to read:

7 "7-33-2402. Area services. A fire service area created
8 pursuant to 7-33-2401 may provide residents of the area with
9 adequate and standard:

10 (1) ~~(A) fire emergency medical and emergency response~~
11 ~~equipment, and adequate personnel, facilities housing for~~
12 ~~the equipment, and related maintenance, for use by a fire~~
13 ~~service agency providing service to the area; or~~

14 ~~(B) fire protection by contracting for the services~~
15 ~~of a fire service agency; AND~~

16 (2) EMERGENCY MEDICAL SERVICES AND EQUIPMENT, LICENSED
17 BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES, AND
18 RELATED PERSONNEL, FACILITIES, AND MAINTENANCE."

19 **SECTION 3.** SECTION 7-33-2404, MCA, IS AMENDED TO READ:

20 "7-33-2404. Financing of fire service area -- fee on
21 structures. (1) In the resolution creating the fire service
22 area and by resolution as necessary thereafter, the board of
23 county commissioners shall establish a schedule of rates to
24 be charged owners of structures that are benefited by the
25 fire services offered by the fire service area.

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

4 (3) The board of county commissioners shall collect the
5 funds necessary to operate the fire service area by charging
6 the area rate as a special assessment on the owners of
7 structures and collect the assessments with the general
8 taxes of the county. The assessments are a lien on the
9 property so assessed.

10 (4) The board of county commissioners or the trustees,
11 if the fire service area is governed by trustees under
12 7-33-2403, may pledge the income of the fire service area to
13 secure financing necessary to procure fire equipment and
14 buildings to house the equipment. The outstanding
15 amount of such indebtedness may not exceed 7% of the taxable
16 valuation of the area."

-End-