

HOUSE BILL 382

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Local Government.
February 13, 1979	Committee recommend bill, do pass.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed.

IN THE SENATE

February 17, 1979	Introduced and referred to Committee on Local Government.
March 22, 1979	Committee recommend bill, as amended.
March 24, 1979	Motion pass, consideration.
March 26, 1979	Second reading, as amended.
March 27, 1979	On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, as amended.

IN THE HOUSE

March 28, 1979	Returned from Senate, as amended.
March 31, 1979	Second reading, amendments rejected. On motion, Free Conference Committee requested.
April 2, 1979	Free Conference Committee appointed.

1 HOUSE BILL NO. 382
 2 INTRODUCED BY M. Levan
 3 By request

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A PRIVATE FIRE
 5 PROTECTION COMPANY TO CONTINUE TO PROVIDE FIRE PROTECTION
 6 SERVICES TO AN AREA THAT HAS BEEN ANNEXED OR INCORPORATED BY
 7 A MUNICIPALITY FOR 3 YEARS FOLLOWING ANNEXATION; PROVIDING
 8 REQUIREMENTS FOR PURCHASE OF THE BUSINESS OF SUCH COMPANY BY
 9 THE MUNICIPALITY."

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

12 Section 1. Private fire protection services authorized
 13 for three years after annexation or incorporation. (1)
 14 Except as provided in subsection (2), a municipality that
 15 annexes or incorporates an area receiving fire protection
 16 service from a private fire protection company may not
 17 provide fire protection service within the annexed or
 18 incorporated area or impose a municipal tax assessment for
 19 the service for a period of 3 years following the date of
 20 annexation or incorporation.

21 (2) The municipality may institute fire protection
 22 service within the annexed or incorporated area prior to the
 23 expiration of the 3-year period if:

24 (a) the private fire protection company discontinues
 25 its service; or

1 (b) the municipality purchases the business of the
 2 private fire protection company within the area annexed or
 3 incorporated.

4 (3) If the municipality elects to purchase the
 5 business of the private fire protection company, it must
 6 notify the company of its intent to purchase at least 6
 7 months prior to the date of purchase and it must pay the
 8 company an amount equal to three times the annual revenue
 9 from existing contracts between the company and its
 10 customers as of the date of the annexation or incorporation.

-End-

-2- HB 382
 INTRODUCED BILL

1 HOUSE BILL NO. 382
 2 INTRODUCED BY M. Evans
 3 By request

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A PRIVATE FIRE
 5 PROTECTION COMPANY TO CONTINUE TO PROVIDE FIRE PROTECTION
 6 SERVICES TO AN AREA THAT HAS BEEN ANNEXED OR INCORPORATED BY
 7 A MUNICIPALITY FOR 3 YEARS FOLLOWING ANNEXATION; PROVIDING
 8 REQUIREMENTS FOR PURCHASE OF THE BUSINESS OF SUCH COMPANY BY
 9 THE MUNICIPALITY."

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

12 Section 1. Private fire protection services authorized
 13 for three years after annexation or incorporation. (1)
 14 Except as provided in subsection (2), a municipality that
 15 annexes or incorporates an area receiving fire protection
 16 service from a private fire protection company may not
 17 provide fire protection service within the annexed or
 18 incorporated area or impose a municipal tax assessment for
 19 the service for a period of 3 years following the date of
 20 annexation or incorporation.

21 (2) The municipality may institute fire protection
 22 service within the annexed or incorporated area prior to the
 23 expiration of the 3-year period if:

24 (a) the private fire protection company discontinues
 25 its service; or

1 (b) the municipality purchases the business of the
 2 private fire protection company within the area annexed or
 3 incorporated.

4 (3) If the municipality elects to purchase the
 5 business of the private fire protection company, it must
 6 notify the company of its intent to purchase at least 6
 7 months prior to the date of purchase and it must pay the
 8 company an amount equal to three times the annual revenue
 9 from existing contracts between the company and its
 10 customers as of the date of the annexation or incorporation.

-End-

HOUSE BILL NO. 382
INTRODUCED BY MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A PRIVATE FIRE PROTECTION COMPANY AND A MUNICIPALITY TO CONTINUE TO PROVIDE CONTRACT FOR FIRE PROTECTION SERVICES TO AN AREA THAT HAS BEEN ANNEXED OR INCORPORATED BY A MUNICIPALITY FOR 3 YEARS FOLLOWING ANNEXATION; PROVIDING REQUIREMENTS A METHOD FOR PURCHASE OF THE BUSINESS PROPERTY OF SUCH COMPANY BY THE MUNICIPALITY."

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

Section 1. Private fire protection services authorized for three years after annexation or incorporation. (1) Except as provided in subsection (2), a municipality that annexes or incorporates an area receiving fire protection service from a private fire protection company may not provide fire protection service within the annexed or incorporated area or impose a municipal tax assessment for the service for a period of 3 years following the date of annexation or incorporation.

(2) The municipality may institute ~~AND IMPOSE A MUNICIPAL TAX FOR~~ fire protection service within the annexed or incorporated area prior to the expiration of the 3-year period if:

(a) the private fire protection company discontinues its services or

(b) the municipality purchases the business of the private fire protection company within the area annexed or incorporated.

(3) If the municipality elects to purchase the business of the private fire protection company, it must notify the company of its intent to purchase at least 6 months prior to the date of purchase and it must pay the company an amount equal to three times the annual revenue from existing contracts between the company and its customers as of the date of the annexation or incorporation. CONTRACT WITH THE FIRE PROTECTION COMPANY FOR FIRE PROTECTION SERVICE.

(2) THE MUNICIPALITY MAY CONTRACT WITH A PRIVATE FIRE PROTECTION COMPANY TO PURCHASE THE REAL AND PERSONAL PROPERTY OF SUCH ANNEXED OR INCORPORATED PRIVATE FIRE PROTECTION COMPANY FOR THE FAIR MARKET VALUE THEREOF, TO BE ARRIVED AT BY AN INDEPENDENT APPRAISAL, IF SUCH PROPERTY CAN BE BENEFICIALLY USED BY THE MUNICIPALITY FOR FIRE SERVICE.

(3) THE MUNICIPALITY MAY IMPOSE A MUNICIPAL TAX ON THE TAXABLE PROPERTY IN THE MUNICIPALITY FOR THE PURPOSE OF [THIS ACT].

-End-

March 22, 1979

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 382, third reading bill, be amended as follows:

1. Page 1, line 21.

Following: "institute"

Insert: "and impose a municipal tax for"

March 26, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 382, third reading bill, be amended as follows:

1. Title, line 5.

Following: "COMPANY"

Insert: "AND A MUNICIPALITY"

Following: "TO"

Insert: "CONTRACT FOR"

2. Title, line 7.

Strike: "FOR 3 YEARS FOLLOWING ANNEXATION"

3. Title, line 8.

Following: line 7

Strike: "REQUIREMENTS"

Insert: "A METHOD"

Following: "THE"

Strike: "BUSINESS"

Insert: "PROPERTY"

4. Page 1, lines 12 and 13.

Strike: "authorized for three years"

5. Page 1, line 14.

Following: line 13

Strike: "Except as provided in subsection (2), a"

6. Page 1, line 16.

Following: "may"

Strike: remainder of the bill in its entirety

Insert: "contract with the fire protection company for fire protection service.

(2) The municipality may contract with a private fire protection company to purchase the real and personal property of such annexed or incorporated private fire protection company for the fair market value thereof to be arrived at by an independent appraisal, if such property can be beneficially used by the municipality for fire service.

(3) The municipality may impose a municipal tax for the purpose of [this act]."

7. Committee of the Whole Amendment #6 is amended to read as follows:

Page 1, line 16.

Following: "may"

Strike: remainder of the bill in its entirety

Insert: "contract with the fire protection company for fire protection service.

(2) The municipality may contract with a private fire protection company to purchase the real and personal property of such annexed or incorporated private fire protection company for the fair market value thereof to be arrived at by an independent appraisal, if such property can be beneficially used by the municipality for fire service.

(3) The municipality may impose a tax on the taxable property in the municipality for the purpose of [this act].