

CHAPTER NO. 193

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON,
COONEY, PAVLOVICH, DAILY, KANDUCH

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Local Government.
February 15, 1979	Committee recommend bill do pass as amended. Report adopted.
February 16, 1979	Printed and placed on members' desks.
February 17, 1979	Motion pass consideration. On motion taken from second reading and referred to Committee on Local Government.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass as amended. Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 6, 1979	Committee recommend bill be concurrred in. Report adopted.
March 8, 1979	Second reading, concurrred in.
March 10, 1979	Third reading, concurrred in.

IN THE HOUSE

March 12, 1979

Returned from second house.
Concurred in. Sent to
enrolling.

Reported correctly enrolled.

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HOUSE BILL NO. 392

INTRODUCED BY *McBride, Zamboni, Manning, Harms, Collier, Carlson, Daily, Kandrak*

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS."

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

Section 1. Voluntary fire districts — fire departments — not effected by city-county consolidation.

(1) Notwithstanding any other provision of law, the adoption of a consolidated county municipal government has no effect on the existence, rights, or duties of a voluntary fire department or a fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33.

(2) Nothing in this part may be construed to prohibit the creation of voluntary fire departments or fire districts pursuant to the provisions of parts 21 and 23 of chapter 33 within consolidated county municipalities.

(3) Voluntary fire departments or fire districts within consolidated county municipalities may only be organized, created, supported, financed, dissolved, and managed as provided in parts 21 and 23 of chapter 33.

(4) The boundaries of fire districts or departments

1 may not be changed except as authorized by parts 21 and 23
2 of chapter 33.
3 (5) Voluntary fire districts and fire departments may
4 enter mutual aid agreements as provided by 7-33-2108.
5 Section 2. Codification. Section 1 is intended to be
6 codified as an integral part of Title 7, chapter 3, part 11,
7 and the provisions of Title 7 apply to section 1.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON,
COONEY, PAVLOVICH, DAILY, KANDUCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE
DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS."

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

Section 1. Voluntary fire districts -- fire
departments -- not effected by city-county consolidation.
(1) Notwithstanding any other provision of law, the adoption
of a consolidated county-municipal LOCAL government has no
effect on the existence, rights, or duties of a voluntary
fire department or a fire district created and legally in
existence pursuant to the provisions of parts 21 and 23 of
chapter 33.

(2) Nothing in this part may be construed to prohibit
the creation of voluntary fire departments or fire districts
pursuant to the provisions of parts 21 and 23 of chapter 33
within consolidated county-municipalities LOCAL GOVERNMENTS.

(3) Voluntary fire departments or fire districts
within consolidated county-municipalities LOCAL GOVERNMENTS
may only be organized, created, supported, financed,
dissolved, and managed as provided in parts 21 and 23 of

chapter 33.

(4) The boundaries of fire districts or departments
may not be changed except as authorized by parts 21 and 23
of chapter 33.

(5) Voluntary fire districts and fire departments may
enter mutual aid agreements as provided by 7-33-2108.

Section 2. Codification. Section 1 is intended to be
codified as an integral part of Title 7, chapter 3, part 11,
and the provisions of Title 7 apply to section 1.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON,

COONEY, PAVLOVICH, DAILY, KANDUCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE
DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS."

Refer to Second Reading

(Strike everything after the title and insert:)

WHEREAS, confusion has arisen concerning the proper
status of prior existing fire districts and fire companies
following the formation of a city-county consolidated
government with self-government powers; and

WHEREAS, the legislature wishes to clarify this
situation with the clear understanding that the substance of
the law is not changed; and

WHEREAS, Title 7, chapter 33, part 41, requires
municipalities to provide fire services under that part; and

WHEREAS, and city-county consolidated government is
neither a county government nor a municipality but under
7-3-1103 has the status of both; and

WHEREAS, this combined status allows the people of the
local area to choose the most desirable means to provide
local services, including fire services, within reasonable

limits of interpreting applicable state law and so long as
vested rights are not unreasonably abrogated; and

WHEREAS, the legislature finds that a local government
charter that maintains rural fire services organizations as
they were prior to consolidation is a reasonable
interpretation of those laws; and

WHEREAS, to provide the desirable ratification of any
existing charter interpretation to this effect and to
clarify the application of such charters in the future,

THEREFORE, it is the purpose of this act to clarify the
law on this point without establishing a presumption that
the law is in any way substantively altered.

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

Section 1. Volunteer fire districts or companies --
fire departments -- not affected by city-county
consolidation. (1) Notwithstanding any other provision of
law, the adoption of a city-county consolidated local
government has no effect on the existence of a volunteer
fire department, a volunteer fire company, or a fire
district created and legally in existence pursuant to the
provisions of parts 21 and 23 of chapter 33 unless otherwise
specifically provided by charter.

(2) No right or benefit of any member of a volunteer
fire district, company, or department created pursuant to

1 the provisions of parts 21 and 23 of chapter 33 in a
2 retirement or pension plan, or payments provided under
3 19-12-103 may be abrogated by the adoption of a city-county
4 consolidated local government unless otherwise specifically
5 provided by charter.

-END-

1 HOUSE BILL NO. 392
 2 INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON,
 3 COONEY, PAVLOVICH, DAILY, KANDUCH
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 6 RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE
 7 DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS;
 8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9 Refer to Second Reading
 10 (Strike everything after the title and insert:)

11
 12 WHEREAS, confusion has arisen concerning the proper
 13 status of prior existing fire districts and fire companies
 14 following the formation of a city-county consolidated
 15 government with self-government powers; and

16 WHEREAS, the legislature wishes to clarify this
 17 situation with the clear understanding that the substance of
 18 the law is not changed; and

19 WHEREAS, Title 7, chapter 33, part 41, requires
 20 municipalities to provide fire services under that part; and

21 WHEREAS, and city-county consolidated government is
 22 neither a county government nor a municipality but under
 23 7-3-1103 has the status of both; and

24 WHEREAS, this combined status allows the people of the
 25 local area to choose the most desirable means to provide

1 local services, including fire services, within reasonable
 2 limits of interpreting applicable state law and so long as
 3 vested rights are not unreasonably abrogated; and

4 WHEREAS, the legislature finds that a local government
 5 charter that maintains rural fire services organizations as
 6 they were prior to consolidation is a reasonable
 7 interpretation of those laws; and

8 WHEREAS, to provide the desirable ratification of any
 9 existing charter interpretation to this effect and to
 10 clarify the application of such charters in the future;

11 THEREFORE, it is the purpose of this act to clarify the
 12 law on this point without establishing a presumption that
 13 the law is in any way substantively altered.

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Volunteer fire districts or companies --
 17 fire departments -- not affected by city-county
 18 consolidation. (1) Notwithstanding any other provision of
 19 law, the adoption of a city-county consolidated local
 20 government has no effect on the existence of a volunteer
 21 fire department, a volunteer fire company, or a fire
 22 district created and legally in existence pursuant to the
 23 provisions of parts 21 and 23 of chapter 33 unless otherwise
 24 specifically provided by charter.

25 (2) No right or benefit of any member of a volunteer

1 fire district, company, or department created pursuant to
2 the provisions of parts 21 and 23 of chapter 33 in a
3 retirement or pension plan, or payments provided under
4 19-12-103 may be abrogated by the adoption of a city-county
5 consolidated local government unless otherwise specifically
6 provided by charter.

7 ~~SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~
8 ~~ITS PASSAGE AND APPROVAL.~~

-End-

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON,

CORNEY, PAVLOVICH, DAILY, KANDUCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Refer to Second Reading

(Strike everything after the title and insert:)

WHEREAS, confusion has arisen concerning the proper status of prior existing fire districts and fire companies following the formation of a city-county consolidated government with self-government powers; and

WHEREAS, the legislature wishes to clarify this situation with the clear understanding that the substance of the law is not changed; and

WHEREAS, Title 7, chapter 33, part 41, requires municipalities to provide fire services under that part; and

WHEREAS, and city-county consolidated government is neither a county government nor a municipality but under 7-3-1103 has the status of both; and

WHEREAS, this combined status allows the people of the local area to choose the most desirable means to provide

local services, including fire services, within reasonable limits of interpreting applicable state law and so long as vested rights are not unreasonably abrogated; and

WHEREAS, the legislature finds that a local government charter that maintains rural fire services organizations as they were prior to consolidation is a reasonable interpretation of those laws; and

WHEREAS, to provide the desirable ratification of any existing charter interpretation to this effect and to clarify the application of such charters in the future,

THEREFORE, it is the purpose of this act to clarify the law on this point without establishing a presumption that the law is in any way substantively altered.

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

Section 1. Volunteer fire districts or companies -- fire departments -- not affected by city-county consolidation. (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33 unless otherwise specifically provided by charter.

(2) No right or benefit of any member of a volunteer

1 fire district, company, or department created pursuant to
2 the provisions of parts 21 and 23 of chapter 33 in a
3 retirement or pension plan, or payments provided under
4 19-12-103 may be abrogated by the adoption of a city-county
5 consolidated local government unless otherwise specifically
6 provided by charter.

7 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
8 ITS PASSAGE AND APPROVAL.

-End-