

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 concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 10, 1979	Third reading, concurred in.

IN THE HOUSE

March 12, 1979

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

Reported correctly enrolled.

House BILL NO. 392

INTRODUCED BY McBrude Conner Manning Shimp
Cole Parlow Dally 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 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

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

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

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

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

1 chapter 33.

2 (4) The boundaries of fire districts or departments

3 may not be changed except as authorized by parts 21 and 23

4 of chapter 33.

5 (5) Voluntary fire districts and fire departments may

6 enter mutual aid agreements as provided by T-33-2108.

7 Section 2. Codification. Section 1 is intended to be

8 codified as an integral part of Title 7, chapter 3, part 11,

9 and the provisions of Title 7 apply to section 1.

-End-

Approved by Comm.
on Local Government

Refer to Second Reading

(Strike everything after the title and insert:)

10
11 WHEREAS, confusion has arisen concerning the proper
12 status of prior existing fire districts and fire companies
13 following the formation of a city-county consolidated
14 government with self-government powers; and

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

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

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

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

1 limits of interpreting applicable state law and so long as
2 vested rights are not unreasonably abrogated; and
3
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
9 WHEREAS, to provide the desirable ratification of any
10 existing charter interpretation to this effect and to
11 clarify the application of such charters in the future,
12
13 THEREFORE, it is the purpose of this act to clarify the
14 law on this point without establishing a presumption that
15 the law is in any way substantively altered.
16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18
19 Section 1. Volunteer fire districts or companies --
20 fire departments -- not affected by city-county
21 consolidation. (1) Notwithstanding any other provision of
22 law, the adoption of a city-county consolidated local
23 government has no effect on the existence of a volunteer
24 fire department, a volunteer fire company, or a fire
25 district created and legally in existence pursuant to the
26 provisions of parts 21 and 23 of chapter 33 unless otherwise
27 specifically provided by charter.
28
29 (2) No right or benefit of any member of a volunteer
30 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-

HOUSE BILL NO. 392

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

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."

Refer to Second Reading

(Strike everything after the title and insert:)

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

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

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,

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.

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.

(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-

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

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

WHEREAS, Title 7, chapter 33, part 41, requires 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.
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18 fire departments -- not affected by city-county
19 consolidation. (1) Notwithstanding any other provision of
20 law, the adoption of a city-county consolidated local
21 government has no effect on the existence of a volunteer
22 fire department, a volunteer fire company, or a fire
23 district created and legally in existence pursuant to the
24 provisions of parts 21 and 23 of chapter 33 unless otherwise
25 specifically provided by charter.
26
27 (2) No right or benefit of any member of a volunteer
28

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-