

Senate Bill 177

In The Senate

January 17, 1981	Introduced and referred to Committee on Local Government.
February 21, 1981	Committee recommend bill do not pass.

Anita Lee BILL NO. 177
- Manuel

1 INTRODUCED BY

2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR FIRE
5 PROTECTION SERVICES IN RURAL AREAS; AMENDING SECTIONS
6 7-33-2201 THROUGH 7-33-2203, 7-33-2208, AND 7-33-2209, MCA;
7 AND REPEALING SECTION 7-33-2204, MCA."

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

10 Section 1. Section 7-33-2201, MCA, is amended to read:
11
12 "7-33-2201. Authority--of--county--governing--body--to
13 protect--range--farm--and--forest--resources purpose. For--the
14 purpose of protection--and--conservation--of this part is
15 to provide for fire protection services to rural structures
16 and--to range, farm, and forest resources and--of--the
17 prevention--of--soil--erosion--the--county--governing--body--may
18 perform--the--functions--provided--in--this--part in the county
19 for which no protection is provided under Title 7, chapter
20 33, part 21; Title 7, chapter 33, part 41; or 7-33-101."
21
22 Section 2. Section 7-33-2202, MCA, is amended to read:
23
24 "7-33-2202. Functions of county governing body. The
25 county governing body, with respect to rural fire control,
protection shall carry--out--the--specific--authorities--and
duties--hereinafter--imposed:
26
27 (1) The--governing--body--shall provide for the

1 organization of volunteer rural fire control crews to
2 combat fires;
3
4 (2) provide for the formation of county volunteer fire
5 companies in accordance with applicable provisions of
6 I-33-2311 for the protection of rural structures and natural
7 resources;
8
9 (3) the governing body shall appoint a county rural
10 fire chief and such--district--rural--fire volunteer fire
11 company chiefs--subject--to--the--direction--and--supervision--of
12 the--county--rural--fire--chief--as they--consider it--considers
13 necessary, unless it provides for a board of trustees as
14 provided in [section 6]. County volunteer fire company
15 chiefs shall be under the supervision and direction of the
16 county rural fire chief;
17
18 (3) the--county--governing--body--shall, within the
19 limitations of 7-33-2205 7-33-2203 through 7-33-2209,
20 protect the range--farm--and--forest--lands rural structures
21 and natural resources within the county from fire in
22 cooperation--with--federal--state--and--other--fire--protection
23 agencies--including--governing--bodies--of--adjoining--counties.
24 The county governing body may enter into mutual aid
25 agreements for itself and for county volunteer fire
companies, with federal, state, local, or other fire
protection agencies, including governing bodies of adjoining
counties."

1 Section 3. Section 7-33-2203, MCA, is amended to read:

2 "7-33-2203. County rural fire chief and county

3 volunteer fire company chiefs. The county rural fire chief

4 may be a regular county officer or other person who in the

5 opinion of the board governing body is the best qualified to

6 perform the duties of this office and who is not may be

7 entitled to additional compensation for the duties hereby

8 imposed. A county volunteer fire company chief may be a

9 regular county employee and serves without compensation."

10 Section 4. Section 7-33-2208, MCA, is amended to read:

11 "7-33-2208. Fire control powers -- liability. (1) Any

12 county rural fire chief or district--rural--fire--chief

13 volunteer fire company chief or his deputy may enter private

14 property or direct the entry of fire control crews or

15 volunteer fire companies for the purpose of suppressing

16 fires.

17 (2) A chief or deputy and the county or rural district

18 are immune from suit for injury to persons or property

19 resulting from actions taken to suppress fires under this

20 section."

21 Section 5. Section 7-33-2209, MCA, is amended to read:

22 "7-33-2209. Finance of fire control activities. (1)

23 The county governing body is authorized to appropriate funds

24 for the payment of wages for the purchase, care, and

25 maintenance of firefighting equipment or ~~for the payment of~~

1 wages--in--prevention--detection--and--suppression--of--fires

2 for the purpose of buying or maintaining fire protection

3 facilities or for the purpose of contracting for fire

4 protection service to property specified in 7-33-2201.

5 (2) If the general fund is budgeted to the full limit

6 the county governing body may at any time fix by law for the

7 levy--and--assessment--of--taxes--levy--a--tax--at--such--rate--as--in

8 their judgment will be necessary to raise such--needed--sums

9 not--to--exceed--\$15,000. At the time fixed by law for the

10 annual levy and assessment of taxes, the county governing

11 body may levy a special tax upon all property covered under

12 7-33-2201 for the purposes outlined in subsection (1).

13 (3) The county governing body may at such time levy a

14 countywide tax at such rate as in its judgment will be

15 necessary to fund fire emergencies. If the general fund is

16 budgeted to the limit, the levy may not exceed \$25,000."

17 NEW SECTION. Section 6. Trustees -- duties --

18 election. (1) The county may provide for the election of a

19 board of trustees to govern the affairs of the county

20 volunteer fire companies. The board's duties include

21 appointment of the county rural fire chief, volunteer fire

22 company chiefs, recommendation of budget levels to the

23 governing body, signing of mutual aid agreements, and

24 administration of other affairs of the companies.

25 (2) The trustees shall be elected as provided in

1 subsection (3) of 13-1-104. The term of office shall be 4
2 years beginning on the first Monday in January following
3 their election or until their successors are elected and
4 qualified. Appointments to fill vacancies must be made by
5 the county governing body, and appointees shall hold office
6 until the next regular election. Nominations for office
7 shall be made as provided in 13-14-113. All electors, as
8 defined in Title 13, who reside in the county are eligible
9 to vote in the election.

10 (3) The trustees shall organize by choosing a chairman
11 and appointing one member to act as secretary.

12 NEW SECTION. Section 7. County rural fire council.
13 The county governing body may form a county rural fire
14 council to assist the county governing body by making
15 recommendations on carrying out the rural fire protection
16 duties of the county. The council shall be chaired by the
17 county rural fire chief.

18 Section 8. Codification instruction. Sections 6 and 7
19 are intended to be codified as an integral part of Title 7,
20 chapter 33, part 22, and the provisions of Title 7, chapter
21 33, part 22, apply to sections 6 and 7.

22 Section 9. Repealer. Section 7-33-2204, MCA, is
23 repealed.

-End-

SB 177