

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.

1 *Spate* BILL NO. *177*
 2 INTRODUCED BY *Lee* - *Manuel*

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 "~~7-33-2201. Authority of county governing body to~~
 12 ~~protect range, farm, and forest resources Purpose. For the~~
 13 ~~the purpose of protection and conservation of this part is~~
 14 ~~to provide for fire protection services to rural structures~~
 15 ~~and to range, farm, and forest resources and of the~~
 16 ~~prevention of soil erosion; the county governing body may~~
 17 ~~perform the functions provided in this part in the county~~
 18 ~~for which no protection is provided under Title 7, chapter~~
 19 ~~33, part 21; Title 7, chapter 33, part 41; or 76-11-101."~~

20 Section 2. Section 7-33-2202, MCA, is amended to read:

21 "7-33-2202. Functions of county governing body. The
 22 county governing body, with respect to rural fire control
 23 protection shall carry out the specific authorities and
 24 duties hereinafter imposed:

25 (1) ~~The governing body shall~~ provide for the

1 organization of volunteer rural fire control crews to
 2 combat fires:

3 ~~(2) provide for the formation of county volunteer fire~~
 4 ~~companies in accordance with applicable provisions of~~
 5 ~~7-33-2211 for the protection of rural structures and natural~~
 6 ~~resources;~~

7 ~~(3)(3) The governing body shall~~ appoint a county rural
 8 fire chief and ~~such district rural fire volunteer fire~~
 9 ~~company chiefs, subject to the direction and supervision of~~
 10 ~~the county rural fire chief, as they consider it considers~~
 11 ~~necessary, unless it provides for a board of trustees as~~
 12 ~~provided in [section 6]. County volunteer fire company~~
 13 ~~chiefs shall be under the supervision and direction of the~~
 14 ~~county rural fire chief.~~

15 ~~(3)(4) The county governing body shall, within the~~
 16 ~~limitations of 7-33-2205 7-33-2203 through 7-33-2209,~~
 17 ~~protect the range, farm, and forest lands rural structures~~
 18 ~~and natural resources within the county from fire in~~
 19 ~~cooperation with federal, state, and other fire protection~~
 20 ~~agencies, including governing bodies of adjoining counties.~~
 21 ~~The county governing body may enter into mutual aid~~
 22 ~~agreements for itself and for county volunteer fire~~
 23 ~~companies, with federal, state, local, or other fire~~
 24 ~~protection agencies, including governing bodies of adjoining~~
 25 ~~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--preventiomy--detectiony--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 limity~~
6 ~~the county governing body may, at any time fixed by law, for~~
7 ~~levy--and-assessment-of-taxesy-levy-a-tax-at-such-rate-as-in~~
8 ~~their judgment will be necessary to raise such--needed--sumy~~
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-

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