

HOUSE BILL NO. 579

INTRODUCED BY COBB, PISTORIA
O'CONNELL, MANUEL, MEYERS

IN THE HOUSE

FEBRUARY 3, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 14, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 16, 1987	PRINTING REPORT.
FEBRUARY 17, 1987	SECOND READING, DO PASS.
FEBRUARY 18, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 80; NOES, 8.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
MARCH 13, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 18, 1987	SECOND READING, CONCURRED IN.
MARCH 20, 1987	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 25, 1987	RECEIVED FROM SENATE.
	SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 26, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 579
2 INTRODUCED BY Cobb Pistoria O'Connell Manuel
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5 CREATION OF A FIRE SERVICE DISTRICT WITHIN A COUNTY TO
6 PROVIDE CAPITAL EQUIPMENT FOR EXISTING FIRE SERVICES OR TO
7 CONTRACT FOR FIRE SERVICES FOR THE PROTECTION OF THE
8 DISTRICT; AND PROVIDING THAT THE DISTRICT BE FUNDED BY RATES
9 CHARGED TO BENEFITED STRUCTURES."

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

12 Section 1. Fire service district -- establishment. (1)
13 The board of county commissioners may establish one or more
14 fire service districts in the county to provide the services
15 and equipment set forth in [section 2].

16 (2) To establish a district, the board shall:

17 (a) pass a resolution of intent to form the district,
18 with notice as provided in 7-1-2121;

19 (b) hold a public hearing no earlier than 30 or later
20 than 90 days after passage of the resolution of intent;

21 (c) at the public hearing:

22 (i) accept written protests from property owners of
23 the area of the proposed district; and

24 (ii) receive general protests and comments relating to
25 the establishment of the district and its boundaries, rates,

1 service levels, or any other matter relating to the proposed
2 district; and

3 (e) pass a resolution creating the district unless by
4 the date set for the public hearing more than 50% of the
5 property owners of the proposed district protest its
6 creation.

7 (3) Based on testimony received in the public hearing,
8 the board in the resolution creating the district may
9 establish different boundaries, establish a different fee
10 schedule than proposed, or change the manner in which the
11 district will provide services to its residents.

12 (4) The board of county commissioners may alter the
13 boundaries or dissolve a fire service district, using the
14 same procedures required for the creation of a district. Any
15 existing indebtedness of a district that is dissolved
16 remains the responsibility of the owners of property within
17 the district.

18 Section 2. District services. A fire service district
19 created pursuant to [section 1] may provide residents of the
20 district with:

21 (a) fire equipment, housing for the equipment, and
22 related maintenance, for use by a fire service agency
23 providing service to the area; or

24 (b) fire protection by contracting for the services of
25 a fire service agency.

1 Section 3. Financing of district -- fee on structures.

2 (1) In the resolution creating the district and by
3 resolution as necessary thereafter, the board of county
4 commissioners shall establish a schedule of rates to be
5 charged owners of structures that are benefited by the fire
6 services offered by the district.

7 (2) The rates must be applied on a fair and equal
8 basis to all classes of structures benefited by the
9 district.

10 (3) The board of county commissioners shall collect
11 the funds necessary to operate the district by charging the
12 district rate as a special assessment on the owners of
13 structures and collect the assessments with the general
14 taxes of the county. The assessments are a lien on the
15 property so assessed.

16 (4) The board of county commissioners may pledge the
17 income of the district to secure financing necessary to
18 procure fire equipment and buildings to house fire
19 equipment. The outstanding amount of such indebtedness may
20 not exceed 7% of the assessed valuation of the district.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 579
2 INTRODUCED BY COBB, PISTORIA
3 O'CONNELL, MANUEL, MEYERS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
6 CREATION OF A FIRE SERVICE DISTRICT AREA WITHIN
7 UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT IN A
8 COUNTY TO PROVIDE CAPITAL EQUIPMENT FOR EXISTING FIRE
9 SERVICES OR TO CONTRACT FOR FIRE SERVICES FOR THE PROTECTION
10 OF THE DISTRICT AREA; AND PROVIDING THAT THE DISTRICT AREA
11 BE FUNDED BY RATES CHARGED TO BENEFITED STRUCTURES."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Fire service district AREA --
15 establishment. (1) The board of county commissioners may
16 establish one or more fire service districts in AREAS WITHIN
17 UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT IN
18 the county to provide the services and equipment set forth
19 in [section 2].
20 (2) To establish a district FIRE SERVICE AREA, the
21 board shall:
22 (a) pass a resolution of intent to form the district
23 AREA, with PUBLIC notice as provided in 7-1-2121 AND WRITTEN
24 NOTICE AS PROVIDED IN 7-1-2122;
25 (b) hold a public hearing no earlier than 30 or later

1 than 90 days after passage of the resolution of intent;
2 (c) at the public hearing:
3 (i) accept written protests from property owners of
4 the area of the proposed district AREA; and
5 (ii) receive general protests and comments relating to
6 the establishment of the district FIRE SERVICE AREA and its
7 boundaries, rates, service levels, or any other matter
8 relating to the proposed district FIRE SERVICE AREA; and
9 (e) pass a resolution creating the district FIRE
10 SERVICE AREA. THE AREA IS CREATED EFFECTIVE 60 DAYS AFTER
11 PASSAGE OF THE RESOLUTION unless by the THAT date set--for
12 the--public--hearing more than 50% of the property owners of
13 the proposed district FIRE SERVICE AREA protest its
14 creation.
15 (3) Based on testimony received in the public hearing,
16 the board in the resolution creating the district FIRE
17 SERVICE AREA may establish different boundaries, establish a
18 different fee schedule than proposed, or change the manner
19 in which the district AREA will provide services to its
20 residents.
21 (4) The board of county commissioners may alter the
22 boundaries or dissolve a fire service district AREA, using
23 the same procedures required for the creation of a district
24 FIRE SERVICE AREA. Any existing indebtedness of a district
25 FIRE SERVICE AREA that is dissolved remains the

1 responsibility of the owners of property within the district
2 AREA.

3 Section 2. District AREA services. A fire service
4 district AREA created pursuant to [section 1] may provide
5 residents of the district AREA with:

6 (a) fire equipment, housing for the equipment, and
7 related maintenance, for use by a fire service agency
8 providing service to the area; or

9 (b) fire protection by contracting for the services of
10 a fire service agency.

11 Section 3. Financing of district FIRE SERVICE AREA --
12 fee on structures. (1) In the resolution creating the
13 district FIRE SERVICE AREA and by resolution as necessary
14 thereafter, the board of county commissioners shall
15 establish a schedule of rates to be charged owners of
16 structures that are benefited by the fire services offered
17 by the district FIRE SERVICE AREA.

18 (2) The rates must be applied on a fair and equal
19 basis to all classes of structures benefited by the district
20 FIRE SERVICE AREA.

21 (3) The board of county commissioners shall collect
22 the funds necessary to operate the district FIRE SERVICE
23 AREA by charging the district AREA rate as a special
24 assessment on the owners of structures and collect the
25 assessments with the general taxes of the county. The

1 assessments are a lien on the property so assessed.

2 (4) The board of county commissioners may pledge the
3 income of the district FIRE SERVICE AREA to secure financing
4 necessary to procure fire equipment and buildings to house
5 fire equipment. The outstanding amount of such indebtedness
6 may not exceed 7% of the assessed valuation of the district
7 AREA.

-End-

HOUSE BILL NO. 579

INTRODUCED BY COBB, PISTORIA

O'CONNELL, MANUEL, MEYERS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF A FIRE SERVICE DISTRICT AREA WITHIN UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT IN A COUNTY TO PROVIDE CAPITAL EQUIPMENT FOR EXISTING FIRE SERVICES OR TO CONTRACT FOR FIRE SERVICES FOR THE PROTECTION OF THE DISTRICT AREA; AND PROVIDING THAT THE DISTRICT AREA BE FUNDED BY RATES CHARGED TO BENEFITED STRUCTURES."

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

Section 1. Fire service district AREA -- establishment. (1) The board of county commissioners may establish one or more fire service districts-in AREAS WITHIN UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT IN the county to provide the services and equipment set forth in [section 2].

(2) To establish a district FIRE SERVICE AREA, the board shall:

(a) pass a resolution of intent to form the district AREA, with PUBLIC notice as provided in 7-1-2121 AND WRITTEN NOTICE AS PROVIDED IN 7-1-2122;

(b) hold a public hearing no earlier than 30 or later

than 90 days after passage of the resolution of intent;

(c) at the public hearing:

(i) accept written protests from property owners of the area of the proposed district AREA; and

(ii) receive general protests and comments relating to the establishment of the district FIRE SERVICE AREA and its boundaries, rates, service levels, or any other matter relating to the proposed district FIRE SERVICE AREA; and

(e) pass a resolution creating the district FIRE SERVICE AREA. THE AREA IS CREATED EFFECTIVE 60 DAYS AFTER PASSAGE OF THE RESOLUTION unless by the THAT date set--for the--public--hearing more than 50% of the property owners of the proposed district FIRE SERVICE AREA protest its creation.

(3) Based on testimony received in the public hearing, the board in the resolution creating the district FIRE SERVICE AREA may establish different boundaries, establish a different fee schedule than proposed, or change the manner in which the district AREA will provide services to its residents.

(4) The board of county commissioners may alter the boundaries or dissolve a fire service district AREA, using the same procedures required for the creation of a district FIRE SERVICE AREA. Any existing indebtedness of a district FIRE SERVICE AREA that is dissolved remains the

1 responsibility of the owners of property within the district
2 AREA.

3 Section 2. District AREA services. A fire service
4 district AREA created pursuant to [section 1] may provide
5 residents of the district AREA with:

6 (a) fire equipment, housing for the equipment, and
7 related maintenance, for use by a fire service agency
8 providing service to the area; or

9 (b) fire protection by contracting for the services of
10 a fire service agency.

11 Section 3. Financing of district FIRE SERVICE AREA --
12 fee on structures. (1) In the resolution creating the
13 district FIRE SERVICE AREA and by resolution as necessary
14 thereafter, the board of county commissioners shall
15 establish a schedule of rates to be charged owners of
16 structures that are benefited by the fire services offered
17 by the district FIRE SERVICE AREA.

18 (2) The rates must be applied on a fair and equal
19 basis to all classes of structures benefited by the district
20 FIRE SERVICE AREA.

21 (3) The board of county commissioners shall collect
22 the funds necessary to operate the district FIRE SERVICE
23 AREA by charging the district AREA rate as a special
24 assessment on the owners of structures and collect the
25 assessments with the general taxes of the county. The

1 assessments are a lien on the property so assessed.

2 (4) The board of county commissioners may pledge the
3 income of the district FIRE SERVICE AREA to secure financing
4 necessary to procure fire equipment and buildings to house
5 fire equipment. The outstanding amount of such indebtedness
6 may not exceed 7% of the assessed valuation of the district
7 AREA.

-End-

HOUSE BILL NO. 579

INTRODUCED BY COBB, PISTORIA

O'CONNELL, MANUEL, MEYERS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF A FIRE SERVICE DISTRICT AREA WITHIN UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT IN A COUNTY TO PROVIDE CAPITAL EQUIPMENT FOR EXISTING FIRE SERVICES OR TO CONTRACT FOR FIRE SERVICES FOR THE PROTECTION OF THE DISTRICT AREA; AND PROVIDING THAT THE DISTRICT AREA BE FUNDED BY RATES CHARGED TO BENEFITED STRUCTURES."

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

Section 1. Fire service district AREA -- establishment. (1) UPON RECEIPT OF A PETITION SIGNED BY AT LEAST 30 OWNERS OF REAL PROPERTY IN THE PROPOSED SERVICE AREA, OR BY A MAJORITY OF THE OWNERS OF REAL PROPERTY IF THERE ARE NO MORE THAN 30 OWNERS OF REAL PROPERTY IN THE PROPOSED SERVICE AREA, THE board of county commissioners may establish one-or-more A fire service districts-in AREAS AREA WITHIN AN UNINCORPORATED AREAS AREA NOT PART OF A RURAL FIRE DISTRICT IN the county to provide the services and equipment set forth in (section 2).

(2) To establish a district FIRE SERVICE AREA, the board shall:

(a) pass a resolution of intent to form the district AREA, with PUBLIC notice as provided in 7-1-2121 AND WRITTEN NOTICE AS PROVIDED IN 7-1-2122;

(b) hold a public hearing no earlier than 30 or later than 90 days after passage of the resolution of intent;

(c) at the public hearing:

(i) accept written protests from property owners of the area of the proposed district AREA; and

(ii) receive general protests and comments relating to the establishment of the district FIRE SERVICE AREA and its boundaries, rates, service levels, or any other matter relating to the proposed district FIRE SERVICE AREA; and

~~(e)~~(D) pass a resolution creating the district FIRE SERVICE AREA. THE AREA IS CREATED EFFECTIVE 60 DAYS AFTER PASSAGE OF THE RESOLUTION unless by the THAT date set-for the-public-hearing more than 50% of the property owners of the proposed district FIRE SERVICE AREA protest its creation.

(3) Based on testimony received in the public hearing, the board in the resolution creating the district FIRE SERVICE AREA may establish different boundaries, establish a different fee schedule than proposed, or change the manner in which the district AREA will provide services to its residents.

(4) The board of county commissioners may alter the

boundaries or dissolve a fire service district AREA, using the same procedures required for the creation of a district FIRE SERVICE AREA. Any existing indebtedness of a district FIRE SERVICE AREA that is dissolved remains the responsibility of the owners of property within the district AREA, AND ANY ASSETS REMAINING AFTER ALL INDEBTEDNESS HAS BEEN SATISFIED MUST BE RETURNED TO THE OWNERS OF PROPERTY WITHIN THE AREA.

Section 2. District AREA services. A fire service district AREA created pursuant to [section 1] may provide residents of the district AREA with:

(a)(1) fire equipment, housing for the equipment, and related maintenance, for use by a fire service agency providing service to the area; or

(b)(2) fire protection by contracting for the services of a fire service agency.

SECTION 3. OPERATION OF FIRE DISTRICTS. (1) WHENEVER THE BOARD OF COUNTY COMMISSIONERS HAS ESTABLISHED A FIRE SERVICE AREA, THE COMMISSIONERS MAY:

(A) GOVERN AND MANAGE THE AFFAIRS OF THE AREA; OR

(B) APPOINT FIVE QUALIFIED TRUSTEES TO GOVERN AND MANAGE THE AFFAIRS OF THE AREA.

(2) IF THE COMMISSIONERS APPOINT TRUSTEES UNDER SUBSECTION (1), THE PROVISIONS OF 7-33-2105 AND 7-33-2106 SHALL APPLY, EXCEPT THAT THE TRUSTEES SHALL PREPARE ANNUAL

BUDGETS AND REQUEST A SCHEDULE OF RATES THEREFOR.

Section 4. Financing of district FIRE SERVICE AREA -- fee on structures. (1) In the resolution creating the district FIRE SERVICE AREA and by resolution as necessary thereafter, the board of county commissioners shall establish a schedule of rates to be charged owners of structures that are benefited by the fire services offered by the district FIRE SERVICE AREA.

(2) The rates must be applied on a fair and equal basis to all classes of structures benefited by the district FIRE SERVICE AREA.

(3) The board of county commissioners shall collect the funds necessary to operate the district FIRE SERVICE AREA by charging the district AREA rate as a special assessment on the owners of structures and collect the assessments with the general taxes of the county. The assessments are a lien on the property so assessed.

(4) The board of county commissioners OR THE TRUSTEES, IF THE COMMISSIONERS HAVE APPOINTED TRUSTEES UNDER [SECTION 3], may pledge the income of the district FIRE SERVICE AREA to secure financing necessary to procure fire equipment and buildings to house fire equipment. The outstanding amount of such indebtedness may not exceed 7% of the assessed TAXABLE valuation of the district AREA.

-End-

STANDING COMMITTEE REPORT

SCRHB579

HB 579

March 12, 1987

SENATE

March 12, 1987

MR. PRESIDENT

Local Government

We, your committee on..... 579

House Bill

having had under consideration..... No.

third blue
reading copy (color)

Cobb (Walker)

ALLOW CREATION OF FIRE SERVICE AREAS--FEES FOR CERTAIN RURAL FIRE SERVICES

Respectfully report as follows: That House Bill No. 579
BE AMENDED AS FOLLOWS;

1. Page 1, line 15.
Following: "(1)"
Strike: "The"
Insert: "Upon receipt of a petition signed by at least 30 owners of real property in the proposed service area, or by a majority of the owners of real property if there are no more than 30 owners of real property in the proposed service area, the"

2. Page 1, line 16.
Following: "establish"
Strike: "one or more"
Insert: "a"
Following: "~~districts-in~~"
Strike: "AREAS"
Insert: "area"
Following: " WITHIN"
Insert: "an"

3. Page 1, line 17.
Following: "UNINCORPORATED"
Strike: "AREAS"
Insert: "area"

4. Page 2, line 9.
Strike: "(e)"
Insert: "(d)"

XXXXXX

XXXXXX

CONTINUED

Chairman.

5. Page 3, line 2.
Following: "AREA"
Insert: ", and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area"

6. Page 3, line 6.
Strike: "(a)"
Insert: "(1)"

7. Page 3, line 9.
Strike: "(b)"
Insert: "(2)"

8. Page 3, following line 10.
Insert: "Section 3. Operation of fire districts. (1) Whenever the board of county commissioners has established a fire service area, the commissioners may:

(a) govern and manage the affairs of the area; or

(b) appoint five qualified trustees to govern and manage the affairs of the area.

(2) If the commissioners appoint trustees under subsection (1), the provisions of 7-33-2105 and 7-33-2106 shall apply, except that the trustees shall prepare annual budgets and request a schedule of rates therefor."

Renumber: subsequent sections

9. Page 4, line 2.
Following: "commissioners"
Insert: "or the trustees, if the commissioners have appointed trustees under [section 3],"

10. Page 4, line 6.
Following: "7% of the"
Strike: "assessed"
Insert: "taxable"

AND AS AMENDED
BE CONCURRED IN

Senator Crippen