

HOUSE BILL NO. 256

INTRODUCED BY G. HENDRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BOARD OF COUNTY COMMISSIONERS OR THE TRUSTEES OF A RURAL FIRE DISTRICT, IF A DISTRICT IS GOVERNED BY TRUSTEES, TO ESTABLISH AND CHARGE FEES FOR PROVISION OF CERTAIN EMERGENCY SERVICES; AMENDING SECTIONS 7-33-2105 AND 7-33-2109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 7-33-2105, MCA, is amended to read:

"7-33-2105. Powers and duties of trustees. (1) The trustees:

(a) shall prepare and adopt suitable bylaws;

(b) have the authority to provide adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities, including real property and emergency medical services and equipment, for the protection of the district;

(c) may appoint and form fire companies that have the same duties, exemptions, and privileges as other fire companies for retirement purposes only;

(d) shall prepare annual budgets and request special levies for the budgets. The budget laws relating to county budgets must, as far as applicable, apply to fire districts.

(e) may enter into contracts as provided in 7-33-2107; ~~and~~

(f) may pledge income to secure financing of the district as provided in 7-33-2109; and

(g) may establish and charge fees for certain emergency services. The fees must be commensurate to the cost of the emergency services provided.

(2) All money received by the trustees must be deposited in the county treasurer's office and credited to the fire district."

Section 2. Section 7-33-2109, MCA, is amended to read:

"7-33-2109. Tax levy, debt incurrence, fees, and bonds authorized -- voted levy for volunteer



1 **firefighters' disability income coverage.** (1) At the time of the annual levy of taxes, the board of county
 2 commissioners may, subject to 15-10-420, levy a tax upon all property within a rural fire district for the purpose
 3 of buying or maintaining fire protection facilities, including real property, and apparatus, including emergency
 4 response apparatus, for the district or for the purpose of paying to a city, town, or private fire service the
 5 consideration provided for in any contract with the council of the city, town, or private fire service for furnishing
 6 fire protection service to property within the district. The tax must be collected as are other taxes.

7 (2) The board of county commissioners or the trustees, if the district is governed by trustees, may
 8 establish and charge fees for certain emergency services as provided for in 7-6-4013. The fees must be
 9 commensurate to the cost of the emergency services provided.

10 ~~(2)~~(3) Subject to 15-10-425, the board of county commissioners may levy a tax upon all taxable property
 11 within a rural fire district for the purpose of purchasing disability income insurance coverage for the volunteer
 12 firefighters of the district as provided in 7-6-621.

13 ~~(3)~~(4) The board of county commissioners or the trustees, if the district is governed by trustees, may
 14 pledge the income of the district, subject to the requirements and limitations of 7-33-2105(1)(d), to secure
 15 financing necessary to procure equipment and buildings, including real property, to house the equipment.

16 ~~(4)~~(5) In addition to the levy authorized in subsection (1), a district may borrow money by the issuance
 17 of bonds to provide funds for the payment of all or part of the cost of buying or maintaining fire protection facilities,
 18 including real property, and apparatus, including emergency response apparatus, for the district.

19 ~~(5)~~(6) The amount of debt incurred pursuant to subsection ~~(3)~~ (4) and the amount of bonds issued
 20 pursuant to subsection ~~(4)~~ (5) and outstanding at any time may not exceed 1.1% of the total assessed value of
 21 taxable property, determined as provided in 15-8-111, within the district, as ascertained by the most recent
 22 assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

23 ~~(6)~~(7) The bonds must be authorized, sold, and issued and provisions must be made for their payment
 24 in the manner and subject to the conditions and limitations prescribed for the issuance of bonds by counties under
 25 Title 7, chapter 7, part 22."

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27 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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29 NEW SECTION. Section 4. Applicability. [This act] applies to emergency services provided after [the
 30 effective date of this act].

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