

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL FIRE PROTECTION LAWS;  
5 ALLOWING ALL MUNICIPALITIES TO ANNEX ONTO A RURAL FIRE DISTRICT FOR FIRE PROTECTION  
6 SERVICES AND DISSOLVE AN EXISTING MUNICIPAL FIRE DEPARTMENT; PROVIDING ADDITIONAL  
7 PUBLIC NOTICE REQUIREMENTS FOR THE ANNEXATION OF CERTAIN MUNICIPALITIES AND FIRE  
8 DISTRICTS; AND AMENDING SECTIONS 7-33-2101, 7-33-2102, 7-33-2104, 7-33-2120, 7-33-2125, 7-33-  
9 2128, 7-33-4101, AND 7-33-4115, MCA."

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

12  
13 **Section 1.** Section 7-33-2101, MCA, is amended to read:

14 **"7-33-2101. Rural fire districts authorized -- petition.** (1) The board of county commissioners is  
15 authorized to establish fire districts in any unincorporated territory or, subject to 7-33-4115 and subsection (2) of  
16 this section, incorporated ~~second-class or third-class~~ city or town upon presentation of a petition in writing  
17 signed by the owners of 40% or more of the real property in the proposed district and owners of property  
18 representing 40% or more of the taxable value of property in the proposed district.

19 (2) (a) Subject to 7-33-4115, ~~second-class or third-class~~ cities and towns may be included in the  
20 district upon approval by the city or town governing body.

21 (b) Subject to 7-33-4115, a ~~second-class or third-class~~ city or town may withdraw from a district 2  
22 years after providing to the board of county commissioners notice of intent to withdraw."

23  
24 **Section 2.** Section 7-33-2102, MCA, is amended to read:

25 **"7-33-2102. Notice of hearing.** The board shall, within ~~40-14~~ days after the receipt of the petition,  
26 give notice of the hearing at least ~~40-14~~ days prior to the hearing:

27 (1) by mailing a copy of the notice as provided in 7-1-2122 or as provided in 7-1-4129 if the proposed  
28 district or a portion of the proposed district is in an incorporated ~~second-class or third-class~~ city or town to each

1 registered voter and real property owner residing in the proposed district; and

2 (2) by publishing the notice as provided in 7-1-2121 or as provided in 7-1-4127 if the proposed district  
3 or portion of the proposed district is in an incorporated ~~second-class or third-class~~ city or town."

4

5 **Section 3.** Section 7-33-2104, MCA, is amended to read:

6 **"7-33-2104. Operation of fire districts.** When a board of county commissioners establishes a fire  
7 district in any unincorporated territory or incorporated ~~second-class or third-class~~ city or town, the  
8 commissioners:

9 (1) may contract with a city, town, private fire company, or other public entity to furnish all fire  
10 protection services for property within the district; or

11 (2) shall appoint five qualified trustees to govern and manage the fire district."

12

13 **Section 4.** Section 7-33-2120, MCA, is amended to read:

14 **"7-33-2120. Consolidation of fire districts and fire service areas -- mill levy limitations.** (1) Two  
15 or more rural fire districts or rural fire districts and fire service areas established pursuant to 7-33-2401 may  
16 consolidate to form a single rural fire district or fire service area upon an affirmative vote of each consolidating  
17 rural fire district's or fire service area's governing board.

18 (2) (a) At the time they vote to consolidate, the governing boards shall also adopt a consolidation  
19 plan. The plan must contain:

20 (i) a timetable for consolidation, including the effective date of consolidation, which must be after the  
21 time allowed for protests to the creation of the new rural fire district or fire service area under subsection (4);

22 (ii) the name of the new rural fire district or fire service area;

23 (iii) a boundary map of the new rural fire district or fire service area; and

24 (iv) the estimated financial impact of consolidation on the average taxpayer within the proposed district  
25 or area.

26 (b) The consolidation plan must state if the consolidation is to be made with or without the mutual  
27 assumption of the warrant or bonded indebtedness of each district or fire service area. Without agreement  
28 among the governing boards on the assumption of warrant or bonded indebtedness, the consolidation may not

1 occur.

2 (3) (a) Within 14 days of the date that the governing boards vote to consolidate, notice of the  
3 consolidation must: ~~be:~~

4 (i) be published as provided in 7-1-2121 or as provided in 7-1-4127 if a district involved in the  
5 consolidation or part of the district is in an incorporated ~~second-class or third-class~~ city or town in each county  
6 in which any part of a consolidated fire district will be located; ~~and~~

7 (ii) be mailed as provided in 7-1-2122 or as provided in 7-1-4129 if a district involved in the  
8 consolidation or part of the district is in an incorporated ~~second-class or third-class~~ city or town to each  
9 registered voter and real property owner residing in a proposed new district; and

10 (iii) either include a copy of the consolidation plan provided in subsection (2) or provide information  
11 regarding how to access a copy of the consolidation plan electronically or by hardcopy.

12 (b) A public hearing on the consolidation must be held within 14 days of the first publication and  
13 mailing of notice. The hearing must be held before the joint governing boards at a time and place set forth in the  
14 notice.

15 (4) Real property owners in each affected rural fire district or fire service area may submit written  
16 protests opposing consolidation to the governing board of their district or fire service area. If within 30 days of  
17 the first publication of notice the owners of 40% or more of the real property in an existing district or fire service  
18 area and owners of property representing 40% or more of the taxable value of property in an existing district or  
19 fire service area protest the consolidation, it is void.

20 (5) After consolidation, the former rural fire districts and fire service areas constitute a single rural fire  
21 district or fire service area governed under the provisions of 7-33-2104 through 7-33-2106 or under the  
22 provisions of part 24 of this chapter.

23 (6) (a) Subject to the provisions of subsections (6)(b) and (6)(c), when the consolidation of two or  
24 more rural fire districts or rural fire districts and fire service areas pursuant to this section results in the creation  
25 of a rural fire district, it must be considered to be a new rural fire district for the purposes of determining mill levy  
26 limitations.

27 (b) The mill levy authority under 15-10-420 for each former rural fire district that is consolidated under  
28 this section must be aggregated to establish the base mill levy authority for the new district in the year following

1 consolidation.

2 (c) If the electors of a former rural fire district have approved mill levy authority for the district in  
3 excess of the limit established in 15-10-420 pursuant to an election held under 15-10-425, the authority applies  
4 to the new district under the limitations established by the electors.

5 (7) For the purposes of this section, "governing board" means the board of trustees of a rural fire  
6 district or fire service area or a board of county commissioners that governs a fire service area as provided in 7-  
7 33-2403(1)(a)."

8

9 **Section 5.** Section 7-33-2125, MCA, is amended to read:

10 **"7-33-2125. Annexation of adjacent territory not contained in a fire district.** (1) Subject to 7-33-  
11 4115, adjacent territory within or outside of the limits of an incorporated ~~second-class or third-class~~ city or town  
12 that is not already a part of a fire district may be annexed in the following manner:

13 (a) A petition in writing by the owners of 40% or more of the real property within the proposed area to  
14 be annexed and owners of property representing 40% or more of the taxable value of property within the  
15 proposed area to be annexed must be presented to the board of trustees of the district for approval. If the  
16 proposed annexation is approved by the board of trustees, the petition must be presented to the board of  
17 county commissioners.

18 (b) At the first regular meeting of the board of county commissioners after the presentation of the  
19 petition, the commissioners shall set a date to hold a hearing on the petition. The date of the hearing may not  
20 be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners.  
21 The board of county commissioners shall publish notice of the hearing as provided in 7-1-2121 or as provided  
22 in 7-1-4127 if any part of the area proposed to be annexed is within an incorporated ~~second-class or third-class~~  
23 city or town.

24 (2) On the date set for the hearing, the board of county commissioners shall consider the petition and  
25 any objections to the annexation. The board shall approve the annexation unless a protest petition signed by at  
26 least 40% of the owners of real property in the area proposed for annexation and owners of property  
27 representing 40% or more of the taxable value of the property in the area proposed for annexation is presented  
28 at the hearing, in which case the annexation must be disapproved.

1 (3) The annexed territory is liable for any outstanding warrant and bonded indebtedness of the  
2 original district.

3 (4) (a) Subject to 7-33-4115, territory that is within the limits of an incorporated ~~second-class or third-~~  
4 ~~class~~ city or town may be annexed only upon the approval of the city or town governing body.

5 (b) A ~~second-class or third-class~~ city or town may withdraw from the district territory that has been  
6 annexed under this section 2 years after providing to the board of county commissioners notice of intent to  
7 withdraw."  
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9 **Section 6.** Section 7-33-2128, MCA, is amended to read:

10 **"7-33-2128. Dissolution of fire district.** (1) Subject to subsection (2), a fire district organized under  
11 this part may be dissolved by the board of county commissioners upon presentation of a petition for dissolution  
12 signed by the owners of 40% or more of the real property in the area and owners of property representing 40%  
13 or more of the taxable value of property in the area. The procedure and requirements provided in 7-33-2101  
14 through 7-33-2103 apply to requests for dissolution of fire districts.

15 (2) A board of county commissioners may not dissolve a fire district that includes territory within the  
16 limits of an incorporated ~~second-class or third-class~~ city or town unless the dissolution is approved by the  
17 governing body of the city or town."  
18

19 **Section 7.** Section 7-33-4101, MCA, is amended to read:

20 **"7-33-4101. Fire protection services.** (1) Every city and town shall provide for fire protection in a  
21 manner that is organized, managed, and controlled as provided in this chapter.

22 (2) (a) ~~Except as provided in 7-33-4115(6), a~~ A first-class city or town shall provide fire protection  
23 services as provided in this part or, subject to 7-33-4115, by annexing to a rural fire district established under  
24 Title 7, chapter 33, part 21.

25 (b) A second-class city or town may provide fire protection services as provided in this part:

26 (i) through an interlocal agreement with another governmental fire protection provider under the  
27 provisions of Title 7, chapter 11, part 1;

28 (ii) through a contract with another fire protection provider; or

1 (iii) subject to 7-33-4115, annexing to a rural fire district established under Title 7, chapter 33, part 21.

2 (c) A third-class city or town may provide fire protection through a contract for fire protection services,  
3 consolidation of its fire department with another fire protection provider, or inclusion in a rural fire district as  
4 provided in Title 7, chapter 33, part 21."

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6 **Section 8.** Section 7-33-4115, MCA, is amended to read:

7 **"7-33-4115. Municipal fire protection through rural fire district -- election -- transition --**

8 **governance.** (1) Upon an affirmative vote of the governing body of a city ~~of the second class~~ and the governing  
9 body of a rural fire district, the municipal governing body may, after providing public notice and holding a public  
10 hearing, submit to the electors of the municipality the question of annexing to the rural fire district for the  
11 provision of fire protection services and dissolving the municipal fire department if one exists. Subject to the  
12 provisions of this section, a municipality may annex to a rural fire district for the provision of fire protection  
13 services upon an affirmative vote of a simple majority of those voting on the question in the municipality.

14 ~~(2) Within 14 days after the date on which the governing bodies vote to propose the annexation,~~  
15 ~~notice of the proposal must be published as provided in 7-1-4127. A public hearing must be held before the~~  
16 ~~municipal governing body.~~

17 ~~(3)~~(2) At the time the governing bodies vote to propose the annexation, the governing bodies shall  
18 also adopt a plan for dissolution of the municipal fire department if one exists and assumption of fire protection  
19 services by the rural fire district. The plan must include:

- 20 (a) a timetable for annexation;
- 21 (b) a map of the boundaries of the rural fire district after annexation occurs;
- 22 (c) the estimated financial impact of the annexation on the average taxpayer in the proposed district;
- 23 and
- 24 (d) the process for disposition of paid municipal fire department staff and the transfer to the rural fire  
25 district of municipal fire department equipment, facilities, finances, and any warrant or bonded indebtedness.

26 (3) (a) Within 14 days of the date that the governing bodies vote to propose the annexation of the  
27 municipal fire district to the rural fire district, notice of the annexation must:

28 (i) be published as provided in 7-1-4127;

