

SENATE BILL NO. 438  
INTRODUCED BY J. ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING 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 CERTAIN EMERGENCY SERVICES; REQUIRING LAW ENFORCEMENT PERSONNEL TO COOPERATE WITH A DISTRICT OR COUNTY COLLECTING A FEE; 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 shall prepare and adopt suitable bylaws.

(2) The trustees have the authority to provide adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities, including real property, for the protection of the district. They shall appoint and form fire companies that have the same duties, exemptions, and privileges as other fire companies.

(3) (a) The trustees may establish and charge fees for certain emergency services.

(b) The fees must be commensurate to the cost of the emergency services provided.

(c) Initial offense reports are public criminal justice information pursuant to 44-5-103, and law enforcement officers, as defined in 7-32-201, shall cooperate with a fire district in securing that information.

~~(3)~~(4) The trustees 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."

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

**"7-33-2109. Tax levy, debt incurrence, fees, and bonds authorized.** (1) At the time of the annual levy of taxes, the board of county commissioners may, subject to 15-10-420, levy a special tax upon all property within a rural fire district for the purpose of buying or maintaining fire protection facilities, including real property, and apparatus, including emergency response apparatus, for the district or for the purpose of paying to a city, town, or private fire service the consideration provided for in any contract with the council of the city, town, or private

fire service for the purpose of furnishing fire protection service to property within the district. The tax must be collected as are other taxes.

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

(b) The fees must be commensurate to the cost of the emergency services provided.

(c) Initial offense reports are public criminal justice information pursuant to 44-5-103, and law enforcement officers, as defined in 7-32-201, shall cooperate with a county in securing that information.

~~(2)~~(3) The board of county commissioners or the trustees, if the district is governed by trustees, may pledge the income of the district, subject to the requirements and limitations of 7-33-2105~~(3)~~(4), to secure financing necessary to procure equipment and buildings, including real property, to house the equipment.

~~(3)~~(4) In addition to the levy authorized in subsection (1), a district may borrow money by the issuance of bonds to provide funds for the payment of all or part of the cost of buying or maintaining fire protection facilities, including real property, and apparatus, including emergency response apparatus, for the district.

~~(4)~~(5) The amount of debt incurred pursuant to subsection ~~(2)~~ (3) and the amount of bonds issued pursuant to subsection ~~(3)~~ (4) and outstanding at any time may not exceed 1.1% of the total assessed value of taxable property, determined as provided in 15-8-111, within the district, as ascertained by the most recent assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

~~(5)~~(6) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for the issuance of bonds by counties under Title 7, chapter 7, part 22."

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

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

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