

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LOCAL FIRE PROTECTION;
5 REVISING THE CLASSIFICATION OF MUNICIPALITIES FOR THE PROVISION OF FIRE PROTECTION
6 SERVICES; AND AMENDING SECTIONS 7-1-4111, 7-33-2101, 7-33-2102, 7-33-2104, 7-33-2120, 7-33-2125,
7 7-33-2128, 7-33-4101, 7-33-4109, 7-33-4115, 7-33-4121, 7-33-4128, 7-33-4130, 7-33-4133, AND 7-33-4510,
8 MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. Section 1. Classification of municipalities for fire protection. For the provision of
13 fire protection services required in this chapter, the following classification of municipalities apply:

- 14 (1) Each city with a population of 50,000 or more is a city of the first class.
- 15 (2) Each city with a population of less than 50,000 and more than 25,000 is a city of the second
16 class.
- 17 (3) Each city with a population of less than 25,000 and more than 1,000 is a city of the third class.
- 18 (4) Each municipal corporation having a population of less than 1,000 and more than 300 is a
19 town.

20
21 **Section 2.** Section 7-1-4111, MCA, is amended to read:

22 "**7-1-4111. Classification of municipalities.** (1) Except for the provision of fire protection services
23 pursuant to [section 1], Every each city having a population of 10,000 or more is a city of the first class.

24 (2) ~~Every~~ Each city having a population of less than 10,000 and more than 5,000 is a city of the
25 second class.

26 (3) ~~Every~~ Each city having a population of less than 5,000 and more than 1,000 is a city of the third
27 class.

28 (4) ~~Every~~ Each municipal corporation having a population of less than 1,000 and more than 300 is

1 a town."

2

3 **Section 3.** Section 7-33-2101, MCA, is amended to read:

4 **"7-33-2101. Rural fire districts authorized -- petition.** (1) The board of county commissioners is
5 authorized to establish fire districts in any unincorporated territory or, subject to 7-33-4115 and subsection (2) of
6 this section, incorporated second-class or third-class city or town classified as provided in [section 1] ~~upon-on~~
7 presentation of a petition in writing signed by the owners of 40% or more of the real property in the proposed
8 district and owners of property representing 40% or more of the taxable value of property in the proposed
9 district.

10 (2) (a) Subject to 7-33-4115, second-class or third-class cities and towns classified as provided in
11 [section 1] may be included in the district ~~upon-on~~ approval by the city or town governing body.

12 (b) Subject to 7-33-4115, a second-class or third-class city or town classified as provided in
13 [section 1] may withdraw from a district 2 years after providing to the board of county commissioners notice of
14 intent to withdraw."
15

16 **Section 4.** Section 7-33-2102, MCA, is amended to read:

17 **"7-33-2102. Notice of hearing.** The board shall, within 10 days after the receipt of the petition, give
18 notice of the hearing at least 10 days prior to the hearing:

19 (1) by mailing a copy of the notice as provided in 7-1-2122 or as provided in 7-1-4129 if the
20 proposed district or a portion of the proposed district is in an incorporated second-class or third-class city or
21 town classified as provided in [section 1] to each registered voter and real property owner residing in the
22 proposed district; and

23 (2) by publishing the notice as provided in 7-1-2121 or as provided in 7-1-4127 if the proposed
24 district or portion of the proposed district is in an incorporated second-class or third-class city or town classified
25 as provided in [section 1]."
26

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

28 **"7-33-2104. Operation of fire districts.** When a board of county commissioners establishes a fire

1 district in any unincorporated territory or incorporated second-class or third-class city or town classified as
2 provided in [section 1], the commissioners:

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

5 (2) shall appoint five qualified trustees to govern and manage the fire district."
6

7 **Section 6.** Section 7-33-2120, MCA, is amended to read:

8 **"7-33-2120. Consolidation of fire districts and fire service areas -- mill levy limitations.** (1) Two
9 or more rural fire districts or rural fire districts and fire service areas established pursuant to 7-33-2401 may
10 consolidate to form a single rural fire district or fire service area upon an affirmative vote of each consolidating
11 rural fire district's or fire service area's governing board.

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

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

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

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

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

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

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

26 (i) published as provided in 7-1-2121 or as provided in 7-1-4127 if a district involved in the
27 consolidation or part of the district is in an incorporated second-class or third-class city or town classified as
28 provided in [section 1] in each county in which any part of a consolidated fire district will be located; and

1 (ii) mailed as provided in 7-1-2122 or as provided in 7-1-4129 if a district involved in the
2 consolidation or part of the district is in an incorporated second-class or third-class city or town classified as
3 provided in [section 1] to each registered voter and real property owner residing in a proposed new district.

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

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

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

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

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

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

25 (7) For the purposes of this section, "governing board" means the board of trustees of a rural fire
26 district or fire service area or a board of county commissioners that governs a fire service area as provided in 7-
27 33-2403(1)(a)."

28

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

2 **"7-33-2125. Annexation of adjacent territory not contained in a fire district.** (1) Subject to 7-33-
3 4115, adjacent territory within or outside of the limits of an incorporated second-class or third-class city or town
4 classified as provided in [section 1] that is not already a part of a fire district may be annexed in the following
5 manner:

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

11 (b) At the first regular meeting of the board of county commissioners after the presentation of the
12 petition, the commissioners shall set a date to hold a hearing on the petition. The date of the hearing may not
13 be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners.
14 The board of county commissioners shall publish notice of the hearing as provided in 7-1-2121 or as provided
15 in 7-1-4127 if any part of the area proposed to be annexed is within an incorporated second-class or third-class
16 city or town classified as provided in [section 1].

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

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

24 (4) (a) Subject to 7-33-4115, territory that is within the limits of an incorporated second-class or
25 third-class city or town classified as provided in [section 1] may be annexed only upon the approval of the city
26 or town governing body.

27 (b) A second-class or third-class city or town classified as provided in [section 1] may withdraw
28 from the district territory that has been annexed under this section 2 years after providing to the board of county

1 commissioners notice of intent to withdraw."

2

3 **Section 8.** Section 7-33-2128, MCA, is amended to read:

4 **"7-33-2128. Dissolution of fire district.** (1) Subject to subsection (2), a fire district organized under
5 this part may be dissolved by the board of county commissioners upon presentation of a petition for dissolution
6 signed by the owners of 40% or more of the real property in the area and owners of property representing 40%
7 or more of the taxable value of property in the area. The procedure and requirements provided in 7-33-2101
8 through 7-33-2103 apply to requests for dissolution of fire districts.

9 (2) A board of county commissioners may not dissolve a fire district that includes territory within
10 the limits of an incorporated second-class or third-class city or town classified as provided in [section 1] unless
11 the dissolution is approved by the governing body of the city or town."
12

13 **Section 9.** Section 7-33-4101, MCA, is amended to read:

14 **"7-33-4101. Fire protection services.** (1) Every city and town shall provide for fire protection in a
15 manner that is organized, managed, and controlled as provided in this chapter.

16 (2) (a) Except as provided in 7-33-4115(6), a first-class city or town classified as provided in
17 [section 1] shall provide fire protection services as provided in this part.

18 (b) A second-class city or town classified as provided in [section 1] may provide fire protection
19 services as provided in this part:

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

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

23 (iii) subject to 7-33-4115, annexing to a rural fire district established under Title 7, chapter 33, part
24 21.

25 (c) A third-class city or town classified as provided in [section 1] may provide fire protection
26 through a contract for fire protection services, consolidation of its fire department with another fire protection
27 provider, or inclusion in a rural fire district as provided in Title 7, chapter 33, part 21."
28

1 **Section 10.** Section 7-33-4109, MCA, is amended to read:

2 **"7-33-4109. Supplementary volunteer fire department authorized for cities of second class --**
3 **voted levy for volunteer firefighters' disability income insurance or workers' compensation coverage.**

4 (1) In addition to a paid department, the city council, city commission, or other governing body in cities of the
5 second class classified as provided in [section 1] may make provision for a volunteer fire department.

6 (2) The city commission or governing department is exempted from compliance with 7-33-4128 to
7 the extent that section applies to the volunteer fire department by way of penalties and infringements.

8 (3) A volunteer is an enrolled member of the volunteer fire department, assists the paid fire
9 department, and is eligible to serve only on the board of trustees of the fire department relief association of the
10 city. However, not more than three volunteer members may be on the board of trustees. A person who is a
11 volunteer for the purposes of this section is not entitled to receive a service pension.

12 (4) The governing body of the city may:

13 (a) pay an enrolled volunteer firefighter a minimum of \$1 for attending a fire and a minimum of \$1
14 for each hour or fraction of an hour after the first hour in active service at a fire or returning equipment to its
15 proper place;

16 (b) subject to 15-10-425, levy a tax upon all property within a fire district for the purpose of buying
17 disability income insurance coverage or workers' compensation coverage for the volunteer firefighters of the
18 volunteer fire department as provided in 7-6-621.

19 (5) In attending fires, any volunteer shall act and serve under the supervision of the chief of the
20 paid fire department."

21

22 **Section 11.** Section 7-33-4115, MCA, is amended to read:

23 **"7-33-4115. Municipal fire protection through rural fire district -- election -- transition --**

24 **governance.** (1) Upon an affirmative vote of the governing body of a city of the second class classified as
25 provided in [section 1] and the governing body of a rural fire district, the municipal governing body may, after
26 providing public notice and holding a public hearing, submit to the electors of the municipality the question of
27 annexing to the rural fire district for the provision of fire protection services and dissolving the municipal fire
28 department if one exists. Subject to the provisions of this section, a municipality may annex to a rural fire district

1 for the provision of fire protection services upon an affirmative vote of a simple majority of those voting on the
2 question in the municipality.

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

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

9 (a) a timetable for annexation;

10 (b) a map of the boundaries of the rural fire district after annexation occurs;

11 (c) the estimated financial impact of the annexation on the average taxpayer in the proposed
12 district; and

13 (d) the process for disposition of paid municipal fire department staff and the transfer to the rural
14 fire district of municipal fire department equipment, facilities, finances, and any warrant or bonded
15 indebtedness.

16 (4) The rural fire district must be governed under the provisions of Title 7, chapter 33, part 21.
17 Residents of the municipality are eligible to serve on the rural fire district's board of trustees.

18 (5) If there is not an affirmative vote of a simple majority of those voting on annexation to the rural
19 fire district and dissolution of an existing municipal fire department, the existing municipal fire department,
20 subject to 7-33-4101, remains intact and is subject to the provisions of this part.

21 (6) If the population of a second-class city classified ~~under the provisions of 7-1-4111 or 7-1-4112~~
22 as provided in [section 1] increases to the level that would require the city to be classified as a first-class city
23 and the city has been annexed to a rural fire district under the provisions of this section, the city may remain
24 part of the rural fire district upon adoption of a resolution by the city governing body."

25

26 **Section 12.** Section 7-33-4121, MCA, is amended to read:

27 **"7-33-4121. Rules governing employment in fire departments.** The city councils or commissioners
28 of cities of the first and second class classified as provided in [section 1] shall have power to establish and

1 promulgate rules governing the employment of the members or employees of their respective fire departments."

2

3 **Section 13.** Section 7-33-4128, MCA, is amended to read:

4 **"7-33-4128. Minimum wages of firefighters in cities of first and second class.** After July 1, 1976,
5 there ~~shall~~must be paid to each duly appointed and confirmed member of the fire departments of cities or
6 towns of the first and second class classified as provided in [section 1] of the state a minimum wage for a daily
7 service of 8 consecutive hours of work of at least \$750 ~~per a~~per month for the first year of service and ~~thereafter~~
8 afterward at least \$750 ~~per a~~per month plus 1% of ~~said the~~ minimum base monthly salary for each additional year
9 of service."

10

11 **Section 14.** Section 7-33-4130, MCA, is amended to read:

12 **"7-33-4130. Group insurance for firefighters -- funding.** (1) Cities of the first and second class
13 classified as provided in [section 1], if they provide insurance for other city employees under Title 2, chapter 18,
14 part 7, shall:

- 15 (a) provide the same insurance to their respective firefighters;
- 16 (b) pay no less than the premium rate in effect as of July 1, 1980, for insurance coverage for
17 firefighters and their dependents notwithstanding the provisions of Title 2, chapter 18, part 7;
- 18 (c) provide for collective bargaining or other agreement processes to negotiate additional premium
19 payments beyond the amount guaranteed by subsection (1)(b).

20 (2) Subject to 15-10-420, those incorporated cities and towns that require additional funds to
21 finance the provisions of this section may levy, by the amount required to meet these provisions, a tax on the
22 taxable value of all taxable property in the respective city or town. This levy must be collected in the same
23 manner and at the same time as other taxes are levied."

24

25 **Section 15.** Section 7-33-4133, MCA, is amended to read:

26 **"7-33-4133. Payment of partial salary to firefighter injured in performance of duty.** (1) A member
27 of a fire department of a first-class or second-class municipality classified as provided in [section 1] who is
28 injured in the performance of duty must be paid by the municipality the difference between the member's net

1 salary, following adjustments for income taxes and pension contributions, and the amount received from
2 workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period
3 not to exceed 1 year, whichever occurs first.

4 (2) To qualify for the partial salary payment provided for in subsection (1), the firefighter must
5 require medical or other remedial treatment and must be incapable of performing the firefighter's duties as a
6 result of the injury."

7

8 **Section 16.** Section 7-33-4510, MCA, is amended to read:

9 **"7-33-4510. Workers' compensation for volunteer firefighters -- notification if coverage not**
10 **provided -- definitions.** (1) An employer may provide workers' compensation coverage as provided in Title 39,
11 chapter 71, to any volunteer firefighter who is listed on a roster of service.

12 (2) An employer may purchase workers' compensation coverage from any entity authorized to
13 provide workers' compensation coverage under plan No. 1, 2, or 3 as provided in Title 39, chapter 71.

14 (3) If an employer provides workers' compensation coverage as provided in this section, the
15 employer may, upon payment of the filing fee provided for in 7-4-2631(1)(a), file a roster of service with the
16 clerk and recorder in the county in which the employer is located and update the roster of service monthly if
17 necessary to report changes in the number of volunteers on the roster of service. The clerk and recorder shall
18 file the original and replace it with updates whenever necessary. The employer shall maintain the roster of
19 service with the effective date of membership for each volunteer firefighter.

20 (4) If an employer does not provide workers' compensation coverage, the employer shall annually
21 notify the employer's volunteer firefighters that coverage is not provided.

22 (5) For the purposes of this section, the following definitions apply:

23 (a) (i) "Employer" means the governing body of a fire agency organized under Title 7, chapter 33,
24 including a rural fire district, a fire service area, a volunteer fire department, a volunteer fire company, or a
25 volunteer rural fire control crew.

26 (ii) The term does not mean a governing body of a city of the first class or second class classified
27 as provided in [section 1], including a city to which 7-33-4109 applies, that provides workers' compensation
28 coverage to employees as defined in 39-71-118.

