

7-33-2141. Division of fire district authorized. Fire districts may be divided as provided in 7-33-2142 through 7-33-2144.

History: En. Sec. 3237, Pol. C. 1895; re-en. Sec. 2081, Rev. C. 1907; amd. Sec. 1, Ch. 16, L. 1915; amd. Sec. 1, Ch. 16, L. 1921; re-en. Sec. 5148, R.C.M. 1921; amd. Sec. 1, Ch. 15, L. 1931; re-en. Sec. 5148, R.C.M.; 1935; amd. Sec. 1, Ch. 118, L. 1945; amd. Sec. 2, Ch. 97, L. 1947; amd. Sec. 1, Ch. 75, L. 1953; amd. Sec. 1, Ch. 75, L. 1957; amd. Sec. 1, Ch. 48, L. 1959; amd. Sec. 1, Ch. 77, L. 1959; amd. Sec. 1, Ch. 49, L. 1963; amd. Sec. 1, Ch. 45, L. 1969; amd. Sec. 2, Ch. 81, L. 1977; R.C.M. 1947, 11-2008(part); amd. Sec. 10, Ch. 499, L. 2007; Sec. 7-33-2121, MCA 2005; redes. 7-33-2141 by Code Commissioner, 2007.

Compiler's Comments

2007 Amendment: Chapter 499 substituted reference to 7-33-2142 through 7-33-2144 for reference to 7-33-2122 through 7-33-2124. Amendment effective October 1, 2007.

Interim Committee Bill: The 2007 amendments to this section were a result of the "House Joint Resolution No. 10 Study of Wildland Fire Policy and Statutes", a Report to the Legislature by the Montana Environmental Quality Council, 2006.

7-33-2142. Division of district — petition — plan for division. (1) (a) A fire district's board of trustees may vote to divide the district upon an affirmative vote of the board and upon receipt of a petition signed by the owners of 40% or more of the real property within the area proposed to be detracted from the original district and owners of property representing 40% or more of the taxable value of property in the area proposed to be detracted from the original district.

(b) The petition must describe the boundaries of the proposed detracted area and the boundaries of the remaining area.

(2) At the time it votes to divide, the board shall adopt a division plan that contains:

(a) a timetable for division, including the effective date, that must be after the time allowed for protests to the division;

(b) the names of the new rural fire districts;

(c) the boundary maps of the new districts;

(d) the estimated financial impact of the division on an owner of a home valued at \$100,000; and

(e) a method for the fair and equitable division of the assets and liabilities of the original district among the new districts.

(3) The board of trustees shall forward the plan to the board of county commissioners in the county where the districts are located.

(4) Within 21 days of receipt of the plan, the board of county commissioners shall set a date for a public hearing on the division and shall give notice of the hearing as provided in 7-1-2121 or as provided in 7-1-4127 if any part of the proposed detracted area is within the limits of an incorporated city or town.

History: En. Sec. 11, Ch. 499, L. 2007.

Compiler's Comments

Effective Date: This section is effective October 1, 2007.

Interim Committee Bill: Enactment of this section was a result of the "House Joint Resolution No. 10 Study of Wildland Fire Policy and Statutes", a Report to the Legislature by the Montana Environmental Quality Council, 2006.

Cross-References

Division of county into districts, 7-5-2103.

7-33-2143. Decision on petition for division — protest. The petition must be granted and the original districts must be divided into separate districts unless at the time of the hearing on the petition protests are presented by the owners of 40% or more of the real property in the entire original district and owners of property representing 40% or more of the taxable value of property in the entire original district. If the required number of protests are presented, the petition for division may not be approved.

History: En. Sec. 3237, Pol. C. 1895; re-en. Sec. 2081, Rev. C. 1907; amd. Sec. 1, Ch. 16, L. 1915; amd. Sec. 1, Ch. 16, L. 1921; re-en. Sec. 5148, R.C.M. 1921; amd. Sec. 1, Ch. 15, L. 1931; re-en. Sec. 5148, R.C.M.; 1935; amd. Sec. 1, Ch. 118, L. 1945; amd. Sec. 2, Ch. 97, L. 1947; amd. Sec. 1, Ch. 75, L. 1953; amd. Sec. 1, Ch. 75, L. 1957; amd. Sec. 1, Ch. 48, L. 1959; amd. Sec. 1, Ch. 77, L. 1959; amd. Sec. 1, Ch. 49, L. 1963; amd. Sec. 1, Ch. 45, L. 1969; amd. Sec. 2, Ch. 81, L. 1977; R.C.M. 1947, 11-2008(part); amd. Sec. 12, Ch. 499, L. 2007; Sec. 7-33-2123, MCA 2005; redes. 7-33-2143 by Code Commissioner,

2007.

Compiler's Comments

2007 Amendment: Chapter 499 at end of first sentence substituted "the owners of 40% or more of the real property in the entire original district and owners of property representing 40% or more of the taxable value of property in the entire original district" for "the owners of 50% or more of the area of the privately owned lands included within the entire original district who constitute a majority of the taxpayers who are freeholders of the entire original district and whose names appear upon the last-completed assessment roll"; and made minor changes in style. Amendment effective October 1, 2007.

Interim Committee Bill: The 2007 amendments to this section were a result of the "House Joint Resolution No. 10 Study of Wildland Fire Policy and Statutes", a Report to the Legislature by the Montana Environmental Quality Council, 2006.

Cross-References

Division of county into districts, 7-5-2103.

7-33-2144. Distribution of assets and liabilities following division. (1) Upon the division of districts, the assets and liabilities of the original rural fire district must be distributed in accordance with the division plan as provided in 7-33-2142.

(2) Any detracted area is liable for any existing warrant and bonded indebtedness of the original district.

History: En. Sec. 3237, Pol. C. 1895; re-en. Sec. 2081, Rev. C. 1907; amd. Sec. 1, Ch. 16, L. 1915; amd. Sec. 1, Ch. 16, L. 1921; re-en. Sec. 5148, R.C.M. 1921; amd. Sec. 1, Ch. 15, L. 1931; re-en. Sec. 5148, R.C.M.; 1935; amd. Sec. 1, Ch. 118, L. 1945; amd. Sec. 2, Ch. 97, L. 1947; amd; Sec. 1, Ch. 75, L. 1953; amd. Sec. 1, Ch. 75, L. 1957; amd. Sec. 1, Ch. 48, L. 1959; amd. Sec. 1, Ch. 77, L. 1959; amd. Sec. 1, Ch. 49, L. 1963; amd. Sec. 1, Ch. 45, L. 1969; amd. Sec. 2, Ch. 81, L. 1977; R.C.M. 1947, 11-2008(part); amd. Sec. 13, Ch. 499, L. 2007; Sec. 7-33-2124, MCA 2005; redes. 7-33-2144 by Code Commissioner, 2007.

Compiler's Comments

2007 Amendment: Chapter 499 in (1) at end substituted "the assets and liabilities of the original rural fire district must be distributed in accordance with the division plan as provided in 7-33-2142" for "money on hand shall be apportioned between the divided areas according to their respective taxable valuations. All other assets of the original district shall become the property of the remaining area, but a reasonable value shall be placed upon such other assets, and the remaining area shall become indebted to the detracted area for its proportionate share thereof, based upon taxable valuations"; and made minor changes in style. Amendment effective October 1, 2007.

Interim Committee Bill: The 2007 amendments to this section were a result of the "House Joint Resolution No. 10 Study of Wildland Fire Policy and Statutes", a Report to the Legislature by the Montana Environmental Quality Council, 2006.

Cross-References

Nature of general obligation bonds, 7-7-2205.

Assessment — market value standard — exceptions, 15-8-111.

Attorney General's Opinions

City Annexation of Rural Fire District — Loan Obligation Not Payable by Tax Incurred Prior to Annexation: A rural fire district has no authority to levy taxes against property that is not within the district boundaries, and recent legislative enactments did not extend the power of a rural fire district to allow taxation to retire nonbonded debts. A reduction in the amount of property subject to tax to retire a loan would not in any way diminish or change the responsibilities of the parties under the loan contract. Therefore, when a city annexes territory that has been part of a rural fire district, the district may not tax the annexed property to finance repayment of a nonbonded loan incurred by the fire district prior to annexation. 46 A.G. Op. 8 (1995).

Provisions Regarding Division of Rural Fire District Inapplicable to Annexation: The annexation of rural fire district territory does not fit within the statutory context of the term "division". Because the statutory procedure for division of a rural fire district is not usually followed in cases of municipal annexation, this section has no application to property that leaves a rural fire district through annexation. 46 A.G. Op. 8 (1995).