

HOUSE BILL NO. 547

INTRODUCED BY S. DEMAROIS, D. HARVEY, S. NOVAK, D. HAWK, M. LEE, J. LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FIRE PROTECTION IN CONSOLIDATED CITY-COUNTY GOVERNMENTS; REMOVING LANGUAGE FOR EXISTING VOLUNTEER FIRE DEPARTMENTS UNDER THE JURISDICTION OF A CONSOLIDATED CITY-COUNTY GOVERNMENT; AMENDING SECTION 7-3-1345, MCA; AND REPEALING SECTIONS 7-33-2110 AND 7-33-2316, MCA."

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

Section 1. Section 7-3-1345, MCA, is amended to read:

"7-3-1345. Fire department. ~~(1)(4)~~ The fire department of the municipality ~~is in the charge of a director, who shall be chief thereof and must have a director of fire service or a fire chief~~ who shall manage and control the department in the manner prescribed by the ordinances of the municipality.

~~(2) A RIGHT OR BENEFIT OF ANY MEMBER OF A VOLUNTEER FIRE DISTRICT, COMPANY, OR DEPARTMENT CREATED PURSUANT TO THE PROVISIONS OF TITLE 7, CHAPTER 33, IN A RETIREMENT OR PENSION PLAN OR PAYMENTS PROVIDED UNDER TITLE 19, CHAPTER 17, MAY NOT BE ABROGATED BY THE ADOPTION OF A CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENT UNLESS OTHERWISE SPECIFICALLY PROVIDED BY CHARTER.~~

~~(2) (a) Notwithstanding any other provision of law, the adoption of a consolidated county municipal government shall have no effect on the existence, rights, or duties of any voluntary fire department or fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33.~~

~~(b) Nothing in this part or part 12 shall be construed to prohibit the creation of voluntary fire departments or fire districts pursuant to the provisions of parts 21 and 23 of chapter 33 within consolidated county municipalities.~~

~~(c) Voluntary fire departments or fire districts within consolidated county municipalities may only be organized, created, supported, financed, dissolved, and managed and their boundaries may only be changed pursuant to the provisions of parts 21 and 23 of chapter 33. These organizations may enter mutual aid agreements as provided by 7-33-2108."~~

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2 NEW SECTION. Section 2. Repealer. The following sections of the Montana Code Annotated are

3 repealed:

4 7-33-2110. Volunteer fire districts or companies -- fire departments -- not affected by city-county

5 consolidation.

6 7-33-2316. Volunteer fire districts or companies -- fire departments -- not affected by city-county

7 consolidation.

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