

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; CLARIFYING THAT THERE MUST BE A FIRE CHIEF FROM THE MUNICIPALITY OF A CONSOLIDATED CITY-COUNTY GOVERNMENT THAT CONSOLIDATED UNDER OPTION 1; AND AMENDING SECTION 7-3-1345 SECTIONS 7-33-2110 AND 7-33-2316, MCA; AND REPEALING SECTIONS 7-33-2110 AND 7-33-2316, MCA."

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

(Refer to First Reading/Second House (Blue) Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Fire department provisions. The fire department of the municipality 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.

Section 2. Section 7-33-2110, MCA, is amended to read:

"7-33-2110. Volunteer fire districts or companies -- fire departments -- pension not affected by city-county consolidation. ~~(1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of this part unless otherwise specifically provided by charter.~~

~~(2) —~~ A right or benefit of any member of a volunteer fire district, company, or department created pursuant to the provisions of this part 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."

Section 3. Section 7-33-2316, MCA, is amended to read:

"7-33-2316. Volunteer fire districts or companies -- fire departments -- pension not affected by city-county consolidation. ~~(1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of this part unless otherwise specifically provided by charter.~~

~~(2)——A right or benefit of any member of a volunteer fire district, company, or department created pursuant to the provisions of this part 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."~~

NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 3, part 11, and the provisions of Title 7, chapter 3, part 11, apply to [section 1].

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