

1 HOUSE BILL NO. 547

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

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FIRE PROTECTION IN  
5 CONSOLIDATED CITY-COUNTY GOVERNMENTS; REMOVING LANGUAGE FOR EXISTING VOLUNTEER  
6 FIRE DEPARTMENTS UNDER THE JURISDICTION OF A CONSOLIDATED CITY-COUNTY GOVERNMENT;  
7 CLARIFYING THAT THERE MUST BE A FIRE CHIEF FROM THE MUNICIPALITY OF A CONSOLIDATED  
8 CITY-COUNTY GOVERNMENT THAT CONSOLIDATED UNDER OPTION 1; AND AMENDING SECTION 7-3-  
9 1345 SECTIONS 7-33-2110 AND 7-33-2316, MCA; AND REPEALING SECTIONS 7-33-2110 AND 7-33-2316,  
10 MCA."

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

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

15 Strike everything after the enacting clause and insert:

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17 NEW SECTION. Section 1. Fire department provisions. The fire department of the municipality  
18 must have a director of fire service or a fire chief, who shall manage and control the department in the manner  
19 prescribed by the ordinances of the municipality.

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

22 **"7-33-2110. Volunteer fire districts or companies -- fire departments -- pension not affected by**  
23 **city-county consolidation.** ~~(1) Notwithstanding any other provision of law, the adoption of a city-county~~  
24 ~~consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire~~  
25 ~~company, or a fire district created and legally in existence pursuant to the provisions of this part unless~~  
26 ~~otherwise specifically provided by charter.~~

27 ~~(2)~~—A right or benefit of any member of a volunteer fire district, company, or department created  
28 pursuant to the provisions of this part in a retirement or pension plan or payments provided under Title 19,

1 chapter 17, may not be abrogated by the adoption of a city-county consolidated local government unless  
2 otherwise specifically provided by charter."

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

5 **"7-33-2316. Volunteer fire districts or companies -- fire departments -- pension not affected by**  
6 **city-county consolidation.** ~~(1) Notwithstanding any other provision of law, the adoption of a city-county~~  
7 ~~consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire~~  
8 ~~company, or a fire district created and legally in existence pursuant to the provisions of this part unless~~  
9 ~~otherwise specifically provided by charter.~~

10 (2)——A right or benefit of any member of a volunteer fire district, company, or department created  
11 pursuant to the provisions of this part in a retirement or pension plan or payments provided under Title 19,  
12 chapter 17, may not be abrogated by the adoption of a city-county consolidated local government unless  
13 otherwise specifically provided by charter."

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16 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
17 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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