

HOUSE BILL NO. 319

INTRODUCED BY MANUEL

IN THE HOUSE

| | |
|-------------------|--|
| January 18, 1983 | Introduced and referred to Committee on Local Government. |
| February 7, 1983 | Committee recommend bill do pass as amended. Report adopted. |
| February 8, 1983 | Bill printed and placed on members' desks. |
| February 9, 1983 | Second reading, do pass. |
| February 10, 1983 | Considered correctly engrossed. |
| February 11, 1983 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

| | |
|-------------------|--|
| February 12, 1983 | Introduced and referred to Committee on Local Government. |
| March 10, 1983 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 12, 1983 | Second reading, concurred in as amended. |
| March 15, 1983 | Third reading, concurred in. Ayes, 48; Noes, 0. |

IN THE HOUSE

| | |
|----------------|------------------------------------|
| March 15, 1983 | Returned to House with amendments. |
|----------------|------------------------------------|

March 31, 1983

Second reading, amendments
not concurred in.

On motion Conference
Committee requested.

Conference Committee
appointed.

April 8, 1983

Conference Committee
dissolved.

On motion Free Conference
Committee requested.

April 9, 1983

Free Conference
Committee appointed.

April 11, 1983

Free Conference
Committee reported.

April 13, 1983

Second reading, Free
Conference Committee report
adopted.

April 14, 1983

Third reading, Free
Conference Committee
report adopted.

April 16, 1983

Free Conference Committee
report adopted by Senate.

Sent to enrolling.

Reported correctly
enrolled.

1 House BILL NO. 319
 2 INTRODUCED BY Manuel
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS
 5 CONCERNING RURAL FIRE PROTECTION; PERMITTING A COUNTY
 6 GOVERNING BODY TO ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES,
 7 ENTER INTO MUTUAL AID AGREEMENTS FOR FIRE PROTECTION, AND
 8 PROVIDE FOR A BOARD OF TRUSTEES AND A RURAL FIRE COUNCIL TO
 9 ASSIST THE COUNTY IN ADMINISTERING ITS FIRE PROTECTION
 10 DUTIES; AMENDING SECTIONS 7-33-2201 THROUGH 7-33-2203 AND
 11 7-33-2205, MCA; REPEALING SECTION 7-33-2204, MCA; AND
 12 PROVIDING AN EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 7-33-2201, MCA, is amended to read:

16 "7-33-2201. ~~authority of county governing body to~~
 17 ~~protect range, farm, and forest resources Purpose. For the~~
 18 ~~The purpose of this part is to provide for fire protection~~
 19 ~~services to rural structures and conservation of to range,~~
 20 ~~farm, and forest resources and of the prevention of soil~~
 21 ~~erosion in the a county governing body may perform the~~
 22 ~~functions for which no protection is provided in this part~~
 23 ~~under Title 7, chapter 33, part 21 or 41, or under Title 76,~~
 24 ~~chapter 11, part 1."~~

25 Section 2. Section 7-33-2202, MCA, is amended to read:

1 "7-33-2202. Functions of county governing body.
 2 (1) The county governing body, with respect to rural fire
 3 control, shall ~~carry out the specific authorities and duties~~
 4 ~~hereinafter imposed:~~

5 ~~(1)(a) The governing body shall provide for the~~
 6 ~~organization of volunteer rural fire control crews to~~
 7 ~~combat fires;~~

8 ~~(b) provide for the formation of county volunteer fire~~
 9 ~~companies according to 7-33-2311 for the protection of rural~~
 10 ~~structures and natural resources;~~

11 ~~(2)(c) The governing body shall appoint a county rural~~
 12 ~~fire chief and such district rural county volunteer fire~~
 13 ~~company chiefs, subject to who shall be under the direction~~
 14 ~~and supervision of the county rural fire chief, as they~~
 15 ~~consider the county governing body considers necessary; and~~

16 ~~(3)(d) The county governing body shall, within the~~
 17 ~~limitations of 7-33-2205 through 7-33-2209, protect the~~
 18 ~~range, farm, and forest lands rural structures and natural~~
 19 ~~resources within the county from fire.~~

20 ~~(2) The county governing body may enter into mutual~~
 21 ~~aid agreements for itself and for county volunteer fire~~
 22 ~~companies in cooperation with federal, state, local, and~~
 23 ~~other fire protection agencies, including governing bodies~~
 24 ~~of adjoining counties."~~

25 Section 3. Section 7-33-2203, MCA, is amended to read:

"7-33-2203. County rural fire chief ~~--- county volunteer fire company chief.~~ (1) The county rural fire chief may be a regular county officer or other person who in the opinion of the board is the best qualified to perform the duties of this office, ~~and who he is not entitled to additional compensation for the duties hereby imposed.~~

~~(2) A county volunteer fire company chief may be a regular county employee. He is not entitled to additional compensation for his service as a volunteer fire company chief."~~

Section 4. Section 7-33-2208, MCA, is amended to read:

"7-33-2208. Fire control powers -- liability. (1) Any county rural fire chief or ~~district-rural~~ volunteer fire company chief or his deputy may enter private property or direct the entry of fire control crews or volunteer fire companies for the purpose of suppressing fires.

(2) A chief or deputy and the county or rural district are immune from suit for injury to persons or property resulting from actions taken to suppress fires under this section."

NEW SECTION. Section 5. Trustees -- duties -- election -- officers. (1) The county governing body may appoint five trustees to govern and manage the affairs of a county volunteer fire company or companies.

(2) The duties of the trustees include:

(a) recommending to the county governing body budget levels for funding fire protection services;

(b) entering into mutual aid agreements for protection against natural or manmade disasters, with the consent of the county governing body; and

(c) administering other affairs of the fire company or companies.

(3) The trustees initially appointed by the county governing body shall serve until their successors are elected. Such election must be in the same manner as provided in 7-33-2106.

(4) The trustees shall elect a chairman and appoint one member to serve as secretary.

NEW SECTION. Section 6. County rural fire council. The county governing body may form a county rural fire council to advise the governing body on administering its rural fire protection duties. The county rural fire chief shall be chairman of the fire council.

NEW SECTION. Section 7. Repealer. Section 7-33-2204, MCA, is repealed.

NEW SECTION. Section 8. Codification instruction. Sections 5 and 6 are intended to be codified as an integral part of Title 7, chapter 33, part 22, and the provisions of Title 7, chapter 33, part 22, apply to sections 5 and 6.

NEW SECTION. Section 9. Effective date. This act is

LC 0672/01

1 effective July 1, 1983.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 319

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS CONCERNING RURAL FIRE PROTECTION; PERMITTING A COUNTY GOVERNING BODY TO ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES, ENTER INTO MUTUAL AID AGREEMENTS FOR FIRE PROTECTION, AND PROVIDE FOR A BOARD OF TRUSTEES AND A RURAL FIRE COUNCIL TO ASSIST THE COUNTY IN ADMINISTERING ITS FIRE PROTECTION DUTIES; AMENDING SECTIONS 7-33-2201 THROUGH 7-33-2203 AND 7-33-2208, MCA; REPEALING SECTION 7-33-2204, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-33-2201, MCA, is amended to read:

"7-33-2201. ~~Authority of county governing body to protect range, farm, and forest resources Purpose. For the~~ The purpose of this part is to provide for fire protection services to ~~rural~~ structures and conservation of ~~to~~ range, farm, and forest resources and of the prevention of soil erosion in the a county governing body may perform the functions for which no protection is provided in this part under Title 7, chapter 33, part 21 or 41, or under Title 79, chapter 11, part 1 OR CHAPTER 13, PARTS 1 AND 2."

Section 2. Section 7-33-2202, MCA, is amended to read:

"7-33-2202. Functions of county governing body. ~~(1) The county governing body, with respect to rural fire control, shall carry out the specific authorities and duties hereinafter imposed:~~

~~(1)(a) The governing body shall provide for the organization AND TRAINING of volunteer rural fire control crews to combat fires;~~

~~(b) provide for the formation of county volunteer fire companies according to 7-33-2311 for the protection of rural structures and natural resources;~~

~~(2)(c) The governing body shall appoint a county rural fire chief and such district rural county volunteer fire company chiefs, subject to who shall be under the direction and supervision of the county rural fire chief, as they consider the county governing body considers necessary; and~~

~~(3)(d) The county governing body shall, within the limitations of 7-33-2205 through 7-33-2209, protect the range, farm, and forest lands rural structures and natural resources within the county from fire.~~

~~(2) The county governing body may enter into mutual aid agreements for itself and for county volunteer fire companies in cooperation with federal, state, local, and other fire protection agencies, including governing bodies of adjoining counties."~~

Section 3. Section 7-33-2203, MCA, is amended to read:

1 "7-33-2203. County rural fire chief ~~== county~~
 2 ~~volunteer fire company chief.~~ (1) The county rural fire
 3 chief may be a regular county officer or other person who in
 4 the opinion of the board is the best qualified to perform
 5 the duties of this office, ~~and who he~~ is not entitled to
 6 additional compensation for the duties hereby imposed.

7 ~~(2) A county volunteer fire company chief may be a~~
 8 ~~regular county employee. He is not entitled to additional~~
 9 ~~compensation for his service as a volunteer fire company~~
 10 ~~chief."~~

11 Section 4. Section 7-33-2208, MCA, is amended to read:

12 "7-33-2208. Fire control powers -- liability. (1) Any
 13 county rural fire chief or ~~district--rural~~ volunteer fire
 14 company chief or his deputy may enter private property or
 15 AND direct the entry of fire control crews or volunteer fire
 16 companies for the purpose of suppressing fires.

17 (2) A chief or deputy and the county or rural district
 18 are immune from suit for injury to persons or property
 19 resulting from actions taken to suppress fires under this
 20 section."

21 NEW SECTION. Section 5. Trustees -- duties --
 22 election -- officers. (1) The county governing body may
 23 appoint five trustees to govern and manage the affairs of a
 24 county volunteer fire company or companies.

25 (2) The duties of the trustees include:

1 (a) recommending to the county governing body budget
 2 levels for funding fire protection services;

3 (b) entering into mutual aid agreements for protection
 4 against natural or manmade disasters, with the consent
 5 CONCURRENCE of the county governing body; and

6 (c) administering other affairs of the fire company or
 7 companies.

8 (3) The trustees initially appointed by the county
 9 governing body shall serve until their successors are
 10 elected. Such election must be in the same manner as
 11 provided in 7-33-2106.

12 (4) The trustees shall elect a chairman and appoint
 13 one member to serve as secretary.

14 NEW SECTION. Section 6. County rural fire council.
 15 The county governing body may form a county rural fire
 16 council to advise the governing body on administering its
 17 rural fire protection duties. ~~The county rural fire chief~~
 18 ~~shall be chairman of the fire council.~~ THE RURAL FIRE COUNCIL
 19 SHALL INCLUDE MEMBERS TO BE APPOINTED FROM THE VARIOUS RURAL
 20 FIRE DISTRICTS AND VOLUNTEER FIRE COMPANIES THROUGHOUT THE
 21 COUNTY. THE COUNCIL MEMBERS SHALL ELECT A CHAIRMAN AND A
 22 SECRETARY OF THE COUNCIL.

23 NEW SECTION. Section 7. Repealer. Section 7-33-2204,
 24 MCA, is repealed.

25 NEW SECTION. Section 8. Codification instruction.

1 Sections 5 and 6 are intended to be codified as an integral
2 part of Title 7, chapter 33, part 22, and the provisions of
3 Title 7, chapter 33, part 22, apply to sections 5 and 6.

4 NEW SECTION. Section 9. Effective date. This act is
5 effective July 1, 1983.

-End-

HOUSE BILL NO. 319
INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS CONCERNING RURAL FIRE PROTECTION; PERMITTING A COUNTY GOVERNING BODY TO ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES, ENTER INTO MUTUAL AID AGREEMENTS FOR FIRE PROTECTION, AND PROVIDE FOR A BOARD OF TRUSTEES AND A RURAL FIRE COUNCIL TO ASSIST THE COUNTY IN ADMINISTERING ITS FIRE PROTECTION DUTIES; AMENDING SECTIONS 7-33-2201 THROUGH 7-33-2203 AND 7-33-2208, MCA; REPEALING SECTION 7-33-2204, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-33-2201, MCA, is amended to read:

"7-33-2201. ~~Authority--of--county-governing--body--to protect-rangel-farm-and-forest-resources Purpose. For--the~~ The purpose of this part is to provide for fire protection services to ~~rural~~ structures and conservation of ~~to~~ range, farm, and forest resources end-of-the-prevention-of-soil erosion in the a county governing--body--may--perform--the functions for which no protection is provided in this part under Title 7, chapter 33, part 21 or 41, or under Title 7, chapter 11, part 1 OR CHAPTER 13, PARTS 1 AND 2."

Section 2. Section 7-33-2202, MCA, is amended to read:

"7-33-2202. Functions of county governing body.
(1) The county governing body, with respect to rural fire control, shall ~~carry-out-the-specific-authorities-and-duties hereinafter-imposed:~~

(1)(a) ~~The--governing--body--shall~~ provide for the organization ~~AND TRAINING~~ of volunteer rural fire control crews ~~to combat fires;~~

(b) ~~provide for the formation of county volunteer fire companies according to 7-33-2311 for the protection of rural structures and natural resources;~~

(2)(c) ~~The-governing-body--shall~~ appoint a county rural fire chief and such ~~district-rural~~ county ~~volunteer~~ fire company chiefs, subject to ~~who shall be under~~ the direction and supervision of the county rural fire chief, as they consider ~~the county governing body considers~~ necessary; and

(3)(d) ~~The--county--governing--body--shall,~~ within the limitations of 7-33-2205 through 7-33-2209, protect the ~~rangel--farm--and-forest--lands~~ rural structures and natural resources within the county from fire.

(2) ~~The county governing body may enter into mutual aid agreements for itself and for county volunteer fire companies in-cooperation with federal, state, local, and other fire protection agencies, including governing bodies of adjoining counties."~~

Section 3. Section 7-33-2203, MCA, is amended to read:

1 "7-33-2203. County rural fire chief ~~is a~~ county
2 ~~volunteer fire company chief.~~ (1) The county rural fire
3 chief may be a regular county officer or other person who in
4 the opinion of the board is the best qualified to perform
5 the duties of this office, ~~and who he~~ is not entitled to
6 additional compensation for the duties hereby imposed.

7 ~~(2) A county volunteer fire company chief may be a~~
8 ~~regular county employee. He is not entitled to additional~~
9 ~~compensation for his service as a volunteer fire company~~
10 ~~chief."~~

11 Section 4. Section 7-33-2208, MCA, is amended to read:

12 "7-33-2208. Fire control powers -- liability. (1) Any
13 county rural fire chief or ~~district--rural~~ volunteer fire
14 company chief or his deputy may enter private property or
15 AND direct the entry of fire control crews or volunteer fire
16 companies for the purpose of suppressing fires.

17 (2) A chief or deputy and the county or rural district
18 are immune from suit for injury to persons or property
19 resulting from actions taken to suppress fires under this
20 section."

21 ~~NEW SECTION.~~ Section 5. Trustees -- duties --
22 election -- officers. (1) The county governing body may
23 appoint five trustees to govern and manage the affairs of a
24 county volunteer fire company or companies.

25 (2) The duties of the trustees include:

1 (a) recommending to the county governing body budget
2 levels for funding fire protection services;

3 (b) entering into mutual aid agreements for protection
4 against natural or manmade disasters, with the consent
5 CONCURRENCE of the county governing body; and

6 (c) administering other affairs of the fire company or
7 companies.

8 (3) The trustees initially appointed by the county
9 governing body shall serve until their successors are
10 elected. Such election must be in the same manner as
11 provided in 7-33-2106.

12 (4) The trustees shall elect a chairman and appoint
13 one member to serve as secretary.

14 ~~NEW SECTION.~~ Section 6. County rural fire council.
15 The county governing body may form a county rural fire
16 council to advise the governing body on administering its
17 rural fire protection duties. ~~The county rural fire chief~~
18 ~~shall be chairman of the fire council.~~ THE RURAL FIRE COUNCIL
19 SHALL INCLUDE MEMBERS TO BE APPOINTED FROM THE VARIOUS RURAL
20 FIRE DISTRICTS AND VOLUNTEER FIRE COMPANIES THROUGHOUT THE
21 COUNTY. THE COUNCIL MEMBERS SHALL ELECT A CHAIRMAN AND A
22 SECRETARY OF THE COUNCIL.

23 ~~NEW SECTION.~~ Section 7. Repealer. Section 7-33-2204,
24 MCA, is repealed.

25 ~~NEW SECTION.~~ Section 8. Codification instruction.

1 Sections 5 and 6 are intended to be codified as an integral
2 part of Title 7, chapter 33, part 22, and the provisions of
3 Title 7, chapter 33, part 22, apply to sections 5 and 6.
4 ~~NEW SECTION.~~ Section 9. Effective date. This act is
5 effective July 1, 1983.

-End-

March 10, 1983

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 319 be amended as follows:

1. Title, lines 4 and 5.

Strike: "REVISING THE PROVISIONS CONCERNING RURAL FIRE
PROTECTION;"

2. Title, line 6.

Strike: "ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES,"

3. Title, lines 7 through 10.

Following: "PROTECTION" on line 7

Strike: the remainder of line 7 through "DUTIES" on line 10.

4. Title, lines 10 and 11.

Following: "AMENDING" on line 10

Strike: "SECTIONS 7-33-2201 THROUGH 7-33-2203 and 7-33-2208"

Insert: "SECTION 7-33-2202"

5. Title, line 11.

Following: "MCA;"

Strike: "REPEALING SECTION 7-33-2204, MCA;"

6. Page 1, lines 15 through 24.

Strike: section 1 in its entirety

Renumber: subsequent sections

7. Page 2, line 2.

Strike: "(1)"

8. Page 2, line 3.

Following: "shall"

Insert: "carry out the specific authorities and duties hereinaf-
ter imposed"

9. Page 2, line 5.

Following: "~~(1)~~"

Strike: "(a)"

Insert: "(1) The governing body shall"

10. Page 2, line 6.

Strike: "AND TRAINING"

11. Page 2, lines 7 through 10.

Following: "crews-" on line 7

Strike: the remainder of line 7 through line 10

Insert: "."

12. Page 2, line 11.

Following: "~~(2)~~"

Strike: "(c)"

Insert: "(2) The governing body shall"

13. Page 2, line 12.

Following: "~~rural~~"

Strike: "county volunteer"

Insert: "district rural"

14. Page 2, line 13.

Strike: "company"

Following: "~~to~~"

Strike: "who shall be under"

Insert: "subject to"

15. Page 2, line 15.

Following: "~~considers~~"

Strike: "the county governing body considers"

Insert: "consider"

Following: "~~necessary-~~"

Strike: "; and"

Insert: "."

16. Page 2, line 16.

Following: "~~{3}~~"

Strike: "(d)"

Insert: "(3) The county governing body shall,"

17. Page 2, lines 18 and 19.

Strike: "rural structures and natural resources"

Insert: "range, farm, and forest lands"

18. Page 2, line 20.

Strike: "(2)"

Insert: "(4)"

19. Page 2.

Strike: sections 3 through 8 in their entirety

Renumber: subsequent section

March 12, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 319, Amendment No. 15, Standing Committee
Report to read:

1. Page 2, line 15.

Following: "considers"

Strike: "the county governing body"

Insert: "it"

Following: "necessary."

Strike: "; and"

Insert: "."

HOUSE BILL NO. 319

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS CONCERNING--RURAL--FIRE--PROTECTION; PERMITTING A COUNTY GOVERNING BODY TO ORGANIZE--COUNTY--VOLUNTEER--FIRE--COMPANIES; ENTER INTO MUTUAL AID AGREEMENTS FOR FIRE PROTECTION;--AND PROVIDE--FOR--A--BOARD--OF--TRUSTEES--AND--A--RURAL--FIRE--COUNCIL--TO ASSIST--THE--COUNTY--IN--ADMINISTERING--ITS--FIRE--PROTECTION DUTIES; AMENDING SECTIONS--7-33-2201--THROUGH--7-33-2203--AND 7-33-2200 SECTION 7-33-2202, MCA; REPEALING--SECTION 7-33-2204--MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section--iv--Section--7-33-2201--MCA--is--amended--to--read:

"7-33-2201--Authority--of--county--governing--body--to protect--ranger--farm--and--forest--resources Purpose--For--the the--purpose--of--this--part--is--to--provide--for--fire protection services--to--rural--structures--and--conservation--of--the--ranger farm--and--forest--resources--and--of--the--prevention--of--soil erosion; in the a county--governing--body--may--perform--the functions for--which--no--protection--is provided--in--this--part under--title--ix--chapter--33--part--21--or--41--or--under--title--ix chapter--33--part--1 OR--CHAPTER--33--PARTS--1--AND--2"

Section 1. Section 7-33-2202, MCA, is amended to read:

"7-33-2202. Functions of county governing body.

~~iii~~ The county governing body, with respect to rural fire control, shall ~~carry out the specific authorities and duties hereinafter imposed~~ CARRY OUT THE SPECIFIC AUTHORITIES AND DUTIES HEREINAFTER IMPOSED:

~~(iii)(1) THE GOVERNING BODY SHALL~~ The governing body shall provide for the organization ~~and training~~ of volunteer rural fire control crews ~~to combat fires.~~

~~the provide for the formation of county volunteer fire companies according to 7-33-2201 for the protection of rural structures and natural resources~~

~~(iii)(2) THE GOVERNING BODY SHALL~~ The governing body shall appoint a county rural fire chief and such district rural ~~county volunteer~~ DISTRICT RURAL fire company chiefs, subject--to ~~who shall be under~~ SUBJECT TO the direction and supervision of the county rural fire chief, as they consider ~~the county governing body~~ II considers necessary; and,

~~(iii)(3) THE COUNTY GOVERNING BODY SHALL~~ The county governing body shall, within the limitations of 7-33-2205 through 7-33-2209, protect the ranger farm and forest lands ~~rural structures and natural resources~~ RANGE, FARM, AND FOREST LANDS within the county from fire.

~~(iii)(4) The county governing body may enter into mutual aid agreements for itself and for county volunteer fire companies in cooperation with federal, state, local, and~~

1 other fire protection agencies, including governing bodies
2 of adjoining counties."

3 Section 3--Section 7-33-2203, HGA, is amended to read:
4 "7-33-2203--County--rural--fire--chief ~~-----county~~
5 ~~volunteer--fire--company--chief~~ ~~it~~ The county rural fire
6 chief may be a regular county officer or other person who in
7 the opinion of the board is the best qualified to perform
8 the duties of this office and who ~~he~~ is not entitled to
9 additional compensation for the duties hereby imposed.

10 ~~it~~ A county volunteer fire company chief may be a
11 regular county employee. He is not entitled to additional
12 compensation for his service as a volunteer fire company
13 chief."

14 Section 4--Section 7-33-2204, HGA, is amended to read:
15 "7-33-2204--Fire control powers--liability--(1) Any
16 county--rural--fire--chief or district rural ~~volunteer~~ fire
17 company chief or his deputy may enter private property or
18 and direct the entry of fire control crews ~~or volunteer fire~~
19 companies for the purpose of suppressing fires.

20 (2) A chief or deputy and the county or rural district
21 are immune from suit for injury to persons or property
22 resulting from actions taken to suppress fires under this
23 section."

24 NEW SECTION--Section 5--Trustees-----duties-----
25 election--officers--(1) The county governing body may

1 appoint five trustees to govern and manage the affairs of a
2 county volunteer fire company or companies
3 (2) The duties of the trustees include:

4 (a) recommending to the county governing body budget
5 levels for funding fire protection services;
6 (b) entering into mutual aid agreements for protection
7 against natural or manmade disasters, with the consent
8 CONCURRENCE of the county governing body; and

9 (c) administering other affairs of the fire company or
10 companies.

11 (3) The trustees initially appointed by the county
12 governing body shall serve until their successors are
13 elected. Such election must be in the same manner as
14 provided in 7-33-2106.

15 (4) The trustees shall elect a chairman and appoint
16 one member to serve as secretary.

17 NEW SECTION--Section 6--County--rural--fire--council
18 The county governing body may form a county rural fire
19 council to advise the governing body on administering its
20 rural fire protection duties. The county rural fire chief
21 shall be chairman of the fire council. ~~THE RURAL FIRE COUNCIL~~
22 ~~SHALL INCLUDE MEMBERS TO BE APPOINTED FROM THE VARIOUS RURAL~~
23 ~~FIRE DISTRICTS AND VOLUNTEER FIRE COMPANIES THROUGHOUT THE~~
24 ~~COUNTY. THE COUNCIL MEMBERS SHALL ELECT A CHAIRMAN AND A~~
25 ~~SECRETARY OF THE COUNCIL.~~

1 ~~NEW-SECTION--Section-7--Repeater--Section-7-33-2204~~
2 ~~NCAY-is-repeated~~
3 ~~NEW-SECTION--Section-8--Codification-----instructions~~
4 ~~Sections--5-and-6-are-intended-to-be-codified-as-an-integrat~~
5 ~~part-of-Title-7--chapter-33--part-22--and-the-provisions--of~~
6 ~~Title-7--chapter-33--part-22--apply-to-sections-5-and-6~~
7 ~~NEW-SECTION.~~ Section 2. Effective date. This act is
8 effective July 1, 1983.

-End-

April 9, 1983 19

FREE CONFERENCE COMMITTEE
HOUSE BILL 319
(Report No. 1, 8:00 A.M.)

Mr. Speaker:

We, your Free Conference Committee on House Bill 319,
met and considered:

Senate Local Government Committee amendments of March 10, 1983; and
Senate Committee of the Whole amendment of March 12, 1983.

We recommend as follows:

That the House accede to Local Government Committee amendments
numbers 1, 3 through 6, and 8 through 19 and Committee of the
Whole amendment 1;

That the Senate recede from Local Government Committee
amendments numbers 2 and 7;

That House Bill 319 be further amended as specified in
Clerical Instructions 2 through 4; and

That this Free Conference Committee report be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

1) Strike Senate Local Government Committee amendments 2 and 7.

2) Title

Following: line 6

Insert: "ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES AND"

3) Page 2, line 6

Following: "SHALL"

Insert: "(a)"

4) Page 2, line 8

Following: "crews"

Insert: "; and (b) provide for the formation of county
volunteer fire companies"

FOR THE HOUSE

Manuel
MANUEL, CHAIR

Roush
ROUSH

Stadine
STADINE

FOR THE SENATE

McCallum
MCCALLUM, CHAIR

Boylan
BOYLAN

Marble
MARBLE

HOUSE BILL NO. 319

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS CONCERNING RURAL FIRE PROTECTION; PERMITTING A COUNTY GOVERNING BODY TO ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES; ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES AND ENTER INTO MUTUAL AID AGREEMENTS FOR FIRE PROTECTION; AND PROVIDE FOR A BOARD OF TRUSTEES AND A RURAL FIRE COUNCIL TO ASSIST THE COUNTY IN ADMINISTERING ITS FIRE PROTECTION DUTIES; AMENDING SECTIONS 7-33-2201 THROUGH 7-33-2203 AND 7-33-2208 SECTION 7-33-2202, MCA; REPEALING SECTION 7-33-2204, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-33-2201, MCA, is amended to read:

"7-33-2201. Authority of county governing body to protect range, farm, and forest resources ~~Purpose.~~ For the purpose of this part is to provide for fire protection services to rural structures and conservation of range, farm, and forest resources and of the prevention of soil erosion, in the a county governing body may perform the functions for which no protection is provided in this part under title 7, chapter 11, part 1 or 11 or under title 7, chapter 11, part 1 OR CHAPTER 11, PARTS 1 AND 2."

Section 1. Section 7-33-2202, MCA, is amended to read:

"7-33-2202. Functions of county governing body.

~~111~~ The county governing body, with respect to rural fire control, shall carry out the specific authorities and duties hereinafter imposed CARRY OUT THE SPECIFIC AUTHORITIES AND DUTIES HEREINAFTER IMPOSED:

~~(1) (a) (1) THE GOVERNING BODY SHALL:~~ The governing body shall

(A) provide for the organization ~~AND TRAINING~~ of volunteer rural fire control crews ~~to combat fires;~~ AND

(B) PROVIDE FOR THE FORMATION OF COUNTY VOLUNTEER FIRE COMPANIES.

~~(b) provide for the formation of county volunteer fire companies according to 7-33-2311 for the protection of rural structures and natural resources~~

~~(2) (c) (2) THE GOVERNING BODY SHALL:~~ The governing body shall appoint a county rural fire chief and such district rural ~~county volunteer~~ DISTRICT RURAL fire company chiefs, subject to who shall be under SUBJECT TO the direction and supervision of the county rural fire chief, as they consider ~~the county governing body~~ II considers necessary; and

~~(3) (d) (3) THE COUNTY GOVERNING BODY SHALL:~~ The county governing body shall, within the limitations of 7-33-2205 through 7-33-2209, protect the range, farm, and forest lands ~~rural structures and natural resources~~ RANGE, FARM, AND

1 FOREST LANDS within the county from fire.

2 ~~(2)(4) The county governing body may enter into mutual~~
3 ~~aid agreements for itself and for county volunteer fire~~
4 ~~companies in cooperation with federal, state, local, and~~
5 ~~other fire protection agencies, including governing bodies~~
6 ~~of adjoining counties."~~

7 Section 3. Section 7-33-2203, MCA, is amended to read:

8 "7-33-2203. County rural fire chief. County
9 volunteer fire company chiefs. (1) The county rural fire
10 chief may be a regular county officer or other person who in
11 the opinion of the board is the best qualified to perform
12 the duties of this office, and who he is not entitled to
13 additional compensation for the duties hereby imposed:

14 ~~(2) A county volunteer fire company chief may be a~~
15 ~~regular county employee. He is not entitled to additional~~
16 ~~compensation for his service as a volunteer fire company~~
17 ~~chief."~~

18 Section 4. Section 7-33-2208, MCA, is amended to read:

19 "7-33-2208. Fire control powers; liability. (1) Any
20 county rural fire chief or district rural volunteer fire
21 company chief or his deputy may enter private property or
22 and direct the entry of fire control crews or volunteer fire
23 companies for the purpose of suppressing fires.

24 (2) A chief or deputy and the county or rural district
25 are immune from suit for injury to persons or property

1 resulting from actions taken to suppress fires under this
2 sections."

3 ~~NEW SECTIONS. Section 5. Trustees. Duties.~~
4 ~~election. officers. (1) The county governing body may~~
5 ~~appoint five trustees to govern and manage the affairs of a~~
6 ~~county volunteer fire company or companies.~~

7 (2) The duties of the trustees include:

8 (a) recommending to the county governing body budget
9 levels for funding fire protection services;

10 (b) entering into mutual aid agreements for protection
11 against natural or manmade disasters, with the consent
12 CONCURRENCE of the county governing body; and

13 (c) administering other affairs of the fire company or
14 companies.

15 (3) The trustees initially appointed by the county
16 governing body shall serve until their successors are
17 elected. Such election must be in the same manner as
18 provided in 7-33-2106.

19 (4) The trustees shall elect a chairman and appoint
20 one member to serve as secretary.

21 ~~NEW SECTIONS. Section 6. County rural fire council.~~
22 ~~The county governing body may form a county rural fire~~
23 ~~council to advise the governing body on administering its~~
24 ~~rural fire protection duties. The county rural fire chief~~
25 ~~shall be chairman of the fire council. THE RURAL FIRE COUNCIL~~

1 ~~SHALL INCLUDE MEMBERS TO BE APPOINTED FROM THE VARIOUS RURAL~~
2 ~~FIRE DISTRICTS AND VOLUNTEER FIRE COMPANIES THROUGHOUT THE~~
3 ~~COUNTY. THE COUNCIL MEMBERS SHALL ELECT A CHAIRMAN AND A~~
4 ~~SECRETARY OF THE COUNCIL.~~

5 ~~NEW SECTION. Section 7. Repeaters. Section 7-33-2204,~~
6 ~~NEA, is repeated.~~

7 ~~NEW SECTION. Section 8. Codification. -- instructions~~
8 ~~Sections 5 and 6 are intended to be codified as an integral~~
9 ~~part of Title 7, chapter 33, part 22, and the provisions of~~
10 ~~Title 7, chapter 33, part 22, apply to sections 5 and 6.~~

11 ~~NEW SECTION. Section 2. Effective date. This act is~~
12 ~~effective July 1, 1983.~~

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