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 SEN | ATE |
| Pebruary 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. |

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chauter 11, part 1."

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| 1 | BILL NO. 319 |
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| 2 | INTRODUCED BY Manuel |
| 3 | 1 |
| 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 |
| 3 | 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 | SE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 15 | Section 1. Section 7-33-2201, NCA, is amended to read: |
| 16 | *7-33-2201. *uthorityofcountygoverningbodyto |
| 17 | protect-rangey-farmy-and-forest-resources <u>Purpose</u> . 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 sad-of-the-prevention-of-soil |
| 21 | erosiony in the g county governing-body-may-perform-the |
| 22 | functions for which on protection is provided in-this-part |
| 23 | under Tible 7. chapter 33. part 21 or 41. pr under Title 76. |

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

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1 *7-33-2202. Functions of county governing 2 (1) The county governing body, with respect to rural fire control, snall corry-out-the-specific-authorities-and-duties hereinafter-imposed: fit(a) The-governing-body-shall provide for organization of volunteer rural fire control crews* to 7 combat fires: (b) provide for the formation of county volunteer fire companies according to 7-33-2311 for the protection of rural 9 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 and supervision of the county rural fire chief, as they 14 consider the county governing body considers necessarywi and 15 16 (3)1d) The-county-governing-body-shally within the 17 limitations of 7-33-2205 through 7-33-2209, protect the rangey--farmy--and-forest-londs rural_structures and natural 18 19 resources within the county from fire. 12) The county governing body may enter into mutual 20 aid agreements for itself and for county volunteer fire 21 22 companies in cooperation with federal, state, local, and other fire protection agencies, including governing bodies 23 of adjoining counties." 24

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

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*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.

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

 "7-33-2208. Fire control powers liability. (1) Any
 county rural fire chief or district—rural valunteer fire
 company chief or his deputy may enter private property or
 direct the entry of fire control crews or valunteer 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;
- (a) entering into mutual aid agreements for protaction
 against natural or manmade disasters, with the consent 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.
- (4) The trustees shall elect a chairman and appointone 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.
- 19 <u>NEW SECTION</u> Section 7. Repealer. Section 7-33-2204:
 20 MCA: is repealed.
- NEW SECTION. Section 8. Codification instruction.

 Sections 5 and 5 are intended to be codified as an integral

 part of Title 7, chapter 33, part 22, and the previsions of

 Title 7, chapter 33, part 22, apply to sections 5 and 6.
- 25 <u>NEW SECTION</u> Section 9. Effective date. This act is

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effective July 1, 1983.

48th Legislature HB 0319/02

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of adjoining counties."

Approved by Comm. on Local Government

| 1 | HOUSE BILL NG. 319 |
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| 2 | INTRODUCED BY MANUEL |
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| 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 | 7-33-2208. 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. Authorityofcountygoverningbodyto |
| 17 | protect-ranges-farms-and-forest-resources Purpose. Forthe |
| 18 | The ourpose of this part is to provide for fire protection |
| 19 | services to rurni structures and conservation of to range, |
| 20 | farm, and forest resources end-of-the-prevention-of-sail |
| 21 | erosiony in the a county governing-bodymayperformthe |
| 22 | functions for which no protection is provided in-this-part |
| 23 | under litle 7: chapter 33: part 21 or 41: or under litle 7:: |
| 24 | chapter_ll.part_1 OR_CHAPTER_13PARIS_1_AN3_2.** |
| 25 | Section 2. Section 7-33-2202, MCA, is amended to read: |

| 1 | *7-33-2202. Functions of county governing body. |
|----|--|
| 2 | 411 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) Thegoverningbodyshall provide for the |
| 6 | organization ANDIRAINIEG of volunteer rural fire control |
| 7 | crews+ to_combat_fires: |
| P | (b) provide for the formation of county volunteer fire |
| 9 | companies_according_to_1=33=2311_for_the_protection_of_rural |
| 10 | structures_and_natural_resources: |
| 11 | t2f(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) Thecountygoverningbodyshally within the |
| 17 | limitations of 7-33-2205 through 7-33-2209, protect the |
| 18 | rangeyfarmyand-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 |

HB 319 SECOND READING

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

HR 0319/02

| 47-33-220 | 3. County | rural | fire c | nief : | county |
|------------------|-------------|----------|------------|---------|-------------|
| volunteerfir | e_company_ | _chief• | 111 The | county | rural fire |
| chief may be a | regular co | unty off | icer or o | ther pe | rson who in |
| the opinion of | the board | is the b | est qual | ified | to perform |
| the duties of | f this of | fice_ en | d-who He | is not | entitled to |
| additional com | pensation f | or the d | utles here | eby imp | osed. |

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(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 AND 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. (13) 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:

| 1 | (a) | recommending | to | the county | governing | body | budget |
|---|-----------|----------------|-----|--------------|-----------|------|--------|
| 2 | levels fo | r fundina fire | oro | tection serv | vices: | | |

- (b) entering into mutual aid agreements for protection
 against natural or manmade disasters, with the consent
 CONCURRENCE 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 wember 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-chairmon-of-the-fire-council IHE RURAL FIRE COUNCIL SHALL INCLUDE MEMBERS TO BE APPOINTED FROM THE YARIOUS RURAL FIRE DISTRICTS—AND YOLUNIEER FIRE COMPANIES THROUGHOUT THE COUNTY—THE COUNCIL MEMBERS SHALL ELECT—A CHAIRMAN—AND—A

23 NEW SECTION. Section 7. Repealer. Section 7-33-2204.

24 MCA+ is repealed.

SECRETARY DE THE COUNCIL.

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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 <u>YEM SECTION</u> Section 9. Effective date. This act is
- 5 effective July 1, 1983.

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| 14 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
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| 10 | services to cured structures and conservation of to range, |
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| 23 | under litle 7. chapter 33. part 21 or 41. or under litle 76. |
| 24 | chapter_11.part_1 OR_CHAPIER_13.PARIS_1_AND_2.* |
| 25 | Section 2. Section 7-33-2202, MCA, is amended to read: |

HOUSE BILL NO. 319

| 1 | #7-33-2202. Functions of county governing body. |
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| 2 | 111 The county governing body, with respect to rural fire |
| 3 | control, shall carry-out-the-specific-authorities-and-duties |
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| 5 | (1)4a) Thegoverningbodyshall provide for the |
| 6 | organization ANDIRAINING of voluntear rural fire control |
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| 8 | tal provide for the formation of county volunteer fire |
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| 11 | f27(c) The-governing-body-shall appoint a county rural |
| 12 | fire chief and such district-rural county_volunteer fire |
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| 21 | ald_agreements_for_itself_and_for_county_volunteer_fire |
| 22 | companies in-cooperation with federal, state, local, and |

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

other fire protection agencies, including governing bodies

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of adjoining counties."

HB 319

| *7 - 33-2203• | County | rurai | fire | chief | == | SHUFA |
|--------------------------|----------|------------------|---------|----------|---------|-------|
| voluntser_fire_ | company_ | _chief• | 111 T | he count | y rural | fire |
| chief may be a re | gular co | unty off | icer or | other p | erson w | ho in |
| the opinion of th | e board | is the b | est qu | alified | to pe | rform |
| the duties of | this of | fice <u>s</u> en | d-who E | g is not | entitle | ed to |
| additional compen | sation f | or the d | uties h | ereby im | posed. | |

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- (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 AND 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."
- 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 county volunteer fire company or companies.
 - (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
 - (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.

NEW SECTION. Section 6. County rural fire council.

- 12 (4) The trustees shall elect a chairman and appoint 13 one wember to serve as secretary.
- 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 IHE RURAL FIRE COUNCIL
- 19 SHALL INCLUDE MEMBERS TO BE APPOINTED FROM THE VARIOUS RURAL
- 20 EIRE_DISTRICTS AND YOLUNIEER FIRE COMPANIES THROUGHOUT THE
- 21 COUNTY THE COUNCIL MEMBERS SHALL ELECT A CHAIRMAN AND A
- SECRETARY OF THE COUNCIL. 22
- 23 NEW_SECTION: Section 7: Repealer. Section 7-33-2204+
- 24 MCA. is repealed.

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25 NEW_SECTION . Section 8. Codification instruction.

- 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
- Title 7, chapter 33, part 22, apply to sections 5 and 6.
- NEW SECTION. Section 9. Effective date. This act is
- effective July 1: 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 hereinafter 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"

Senate Amendments to House Bill No. 319 Page 2

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"

"range, farm, and forest lands" Insert:

18. Page 2, line 20.

Strike: "(2)"

Insert: "(4)"

19. Page 2.

Strike: sections 3 through 8 in their entirety

Renumber: subsequent section

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: "."

HB 0319/03 48th Legislature

HOUSE BILL NO. 319 1 2 INTRODUCED BY MANUEL 3 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING-THE-PROVISIONS GONEERNING--RURAL--FIRE--PROTECTION: PERMITTING A COUNTY GOVERNING BODY TO BREANIZE-COUNTY-VOLUNTEER-FIRE-COMPANIESY 6 7 ENTER INTO MUTUAL AID AGREEMENTS FOR FIRE PROTECTION --- AND 8 PROVIDE --- FOR-A-BOARD-OF-TRUSTEES-AND-A-RURAL-FIRE-COUNCIL-TO 444-51-THF---COUNTY--IN--40HINISTERING--175--FIRE--PROTECTION 9 DUTTES: AMENDING SECTIONS -- 7-33-2201-THROUGH-7-33-2203-AND 10 11 12 *-33-2264-WEA+ AND PROVIDING AN EFFECTIVE DATE.* 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 14 15 Section-iw--Section-7-33-2201v-MEAy-is-amended-to-read* 16 #7-33-2201---Authority--ef--county--governing--body--to protect-ranger-formy-and-forest-resources Purposer--For--the 17 The -- purpose -- of this part is to oravide for fire protection 16 19 services:to curat structures-and-conservation-of to ranger 20 farmy--and--forest--resources--and-of-the-prevention-of-soil 21 erosiony in the g county--governing--body--may--perform--the 22 functions for-which-no-protection-is provided-in-this-part 23 under-litte-larchopter-33w-port-21-or-51w-pr-under-litte-75w 24 chanter:lix=pert=1 GR=EHAPTER=13x-PARTS:l=AND-2**

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

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1 #7-33-2202. Functions of county governing body. 2 it The county governing body, with respect to rural fire control, shall earry-out-the-specifie-authorities-and-duties hereinafter-imposed CARRY OUT THE SPECIFIC AUTHORITIES AND DUILES MEREINAFTER IMPOSED: titaill THE GOVERNING BODY SHALL The-governing-body shall provide for the organization AND-IRAINING of volunteer 7 rural fire control crews + to-combat=firest. 9 thi == orovide-for-the-formation-of-county-volunteer-fire companies=according=to=1=33-2311=for=the-protection-of-rural 10 11 stenetures-and-natural-resourcest 12 (2)121121 THE GOVERNING BODY SHALL The-governing--body 13 shall appoint a county rural fire chief and such district 14 rural county-volunteer DISIRICI_RUBAL fire commony chiefs, 15 subject--to who-shall-becameer SUBJECT_TO the direction and 16 supervision of the county rural fire chief, as they-consider 17 the county move raine body II considers necessary + 1- and . 18 (3)1d1(3) THE COUNTY GOVERNING BODY SHALL. The -- county governing-body-shally within the limitations of 7-33-2205 through 7-33-2209, protect the rangey-farmy-and-forest-lands rutal-structures-and-natural-resources RANGE. FARM. AND 22 EDREST_LANDS within the county from fire. 23 t21(4) The county governing body may enter into mutual 24 aid agreements for itself and for county volunteer fire companies in-cooperation with federal, state, local, and

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-2-HB 319

HB 0319/03

| 1 | other fire protection agencles, including governing bodies |
|----|---|
| 2 | of adjoining counties." |
| 3 | Section-3Section-7-55-2203-HGAy-is-emended-to-reads |
| 4 | #7-33-2263#Countyruralfirechief =====county |
| 5 | volunteme==fire==company==chief* illThe-county-rerol-fire |
| 6 | chief-may-be-a-regular-county-officer-or-ather-person-who-in |
| 7 | the-opinion-of-the-board-is-the-bestqualifiedtoperform |
| 8 | thedutiesefthisefficeg and-who He-is-mot-entitled-to |
| 9 | additional-compansation-for-the-duties-hereby-imposedv |
| .0 | thismascountys relunteersfire seasony sobief - sex - bess |
| 1 | regular==county==eshioyes===He=is=not=entitled=to=edditionol |
| 12 | compansation:for:bia:service:os:-oveluntemrfire::company |
| 13 | chisfe* |
| 4 | Section-fuSection-7-33-2200y-MGAy-is-amended-to-read+ |
| 5 | #7-33-2288wFire-control-powerslimbilityw(t)-Any |
| à | countyruralfirechiefor-district-rural goluntger-fire |
| 7 | company-chief-or-hie-deputy-may-enterprivatepropertyor |
| .8 | <u>#MD-direct-the-entry-of-fire-control-crows-gr-voluntmer_fire</u> |
| 9 | <u>companies</u> -for-the-purpose-of-suppressing-firese |
| 0 | {2}A-chief-or-daputy-and-the-county-or-rural-district |
| 1 | oreimmunefromsuitforinjuryte-persons-or-property |
| 2 | resulting-from-actions-taken-to-suppressfiresunderthis |
| 3 | section= |
| 4 | <u> UEY-SEGIION</u> Section-SeTrusteesduties |
| 5 | electionofficers(l)Thecountygoverningbodymay |

-3-

| ı | appoint |
|----|---|
| 2 | county-volunteer-fire-company-or-companies: |
| 3 | t2)The-duties-of-the-trustees-includes |
| 4 | tatrecommending-to-the-county-governingbodybudget |
| 5 | tevets-for-funding-fire-protection-servicest |
| 6 | tbentering-into-mutual-aid-agreements-for-protection |
| 7 | againstnaturalormonmadedisastersywiththe-consent |
| 8 | <u>EBNEURRENEE-of-the-county-governing-bodys-and</u> |
| 9 | {c} administering-ather-affairs- of-the-fire-company-ar |
| 10 | companies. |
| 11 | {3}The-trustems-initiallyappointedbythecounty |
| 12 | governingbodyshallserveuntiltheirsuccessorsare |
| 13 | electedSuch-election-raustbyinthesomemanneros |
| 14 | provided-in-7-33-2106+ |
| 15 | (4)Thetrusteesshall-relect-a-chairman-and-appoint |
| 16 | one-member-to-serve-as-secretary* |
| 17 | NEW:SEETERNESection-6Countyruralfirecouncil- |
| 18 | Thecountygoverningbodymoyforma-county-rural-fire |
| 19 | council-to-advise-the-governing-bodyanadministeringits |
| 20 | ruralfireprotectionduties-The-county-rural-fire-chief |
| 21 | shall-be-chairmon-of-the-fire-council INE-RURAL-EIRE-COUNCIL |
| 22 | SHALL-INGLUDE-MEMBERS-IB-BG-ACCURATED-FROM-IHE-WAREQUE-RURAL |
| 23 | EIRE-DISIRIEIS-AND-WOLUNIEER-EIRE-COMPANIESINRONGHOMIINC |
| 24 | GOUNTY = == THE GOUNG # L HEMBERS SHALL-ELEGT - A - GHATRHAN-AMB - A |
| 25 | SECRETARY-OF-THE-EBUNETL* |

HB 319

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HB 0319/03

1 NEM_SECTION: Section 2. Effective date. This act is effective July 1, 1983.

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 recade 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

FOR THE SENATE

MANUET, CHAIR

POTICE

BOYLAN

Marks

sh

| 1 | HOUSE BILL NO. 319 |
|----|--|
| 2 | INTRODUCED BY MANUEL |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT REVISING-THE-PROVISIONS |
| 5 | CONCERNINGRURALFIREPROTECTION; PERMITTING A COUNTY |
| 6 | GOVERNING BODY TO ORGANIZE-COUNTY-VOLUNTEER-FIRE-COMPANIES |
| 7 | ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES AND ENTER INTO |
| 8 | MUTUAL AID AGREEMENTS FOR FIRE PROTECTION-AND-PROVEDE-FOR-A |
| 9 | BOARDBFTRUSTEESANDA-RURAL-FIRE-GOUNCIL-TO-ASSIST-THE |
| 0 | EDUNTY-IN-ABHIMISTERING-ITS-FIRE-PROTECTION-DUTIES; AMENDING |
| 1 | SECT 18N5-7-33-2281-THROUGH-7-33-2283-AN87-33-2208 SECIION |
| 2 | I=33=2202 + MCA; REPEALTNGSEGTION7-33-2204+MEA; AND |
| 3 | PROVIDING AN EFFECTIVE DATE." |
| 4 | |
| 5 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 6 | Section-1Section-7-33-2281,-MEA,-is-amended-to-read: |
| 7 | #7-33-220lwAuthor+tyafcountygoverningbodyto |
| 8 | protectrange,-farm,-and-forest-resources <u>furpase</u> ,For-the |
| 9 | <u> The-purpose-of-this-part-is-to-provide-forfire</u> protection |
| 0 | <u>servicesto</u> <u>rural structures</u> -and-conservation-of to rangey |
| 1 | farmy-and-forest-resources-and-ofthepreventionofsoil |
| 22 | erosions in the a countygoverning-body-may-perform-the |
| 23 | functions <u>for which no protection is</u> provided-inthispart |
| 4 | under=Titte=Tx=ehopter=33x-port=21=ar=51x-ar=under=Fitte=76x |
| !5 | chapter=llx=part=1 |

| 1 | Section 1. Section 7-33-2202, MCA, is amended to read: |
|----|--|
| 2 | "7-33-2202. Functions of county governing body. |
| 3 | ttt The county governing body, with respect to rural fire |
| 4 | control, shall corry-out-the-specific-outhorities-and-duties |
| 5 | hereinafterimposed CARRY OUT THE SPECIFIC AUTHORITIES AND |
| 6 | DUTIES_HEREINAETER_THPOSED: |
| 7 | thtatill_THE GOVERNING_BODY_SHALL: The-governing-body |
| 8 | shall |
| 9 | (A) provide for the organization AND: TRAINING of |
| 10 | volunteer rural fire control crewsw to combat firest; AND |
| 11 | (B) PROVIDE FOR THE FORMATION OF COUNTY VOLUNTEER FIRE |
| 12 | COMPANIES. |
| 13 | fbiprovide-for-tbe-formation-of-county-volunteer-fire |
| 14 | companies_occording_to=7-33-2311-for_tha_arotection_of_rure} |
| 15 | structures_and=natural=resourcest |
| 16 | t2ttct(2) THE GOVERNING BODY SHALL The-governing-body |
| 17 | shall appoint a county rural fire chief and such district |
| 18 | rural county-valuateer DISTRICT RURAL fire company chiefs, |
| 19 | subject-to who:shall-becunder SUBJECT IO the direction and |
| 20 | supervision of the county rural fire chief, as they consider |
| 21 | the county governing body II considers necessary tonde |
| 22 | +3+td+131 THE COUNTY GOVERNING BODY SHALL: The-county |
| 23 | governing-body-shally within the limitations of 7-33-2205 |
| 24 | through 7-33-2209, protect the ranges-farms-and-forest-lands |
| 25 | rural==structures==and==natural==resources RANGE: FARM: AND |

| _ | |
|----|---|
| 2 | t21(4) The county governing body may enter into autual |
| 3 | aid agreements for itself and for county volunteer fire |
| 4 | companies in-ecoperation with federal, state, local, and |
| 5 | other fire protection agencies, including governing bodies |
| 6 | of adjoining countles. |
| 7 | Section-3Section-7-33-2203 |
| 8 | =7-33-2203:tountyraralfirechief ====county |
| 9 | <u>volunteer_fire_company_chief</u> * <u>fll</u> Thecountyrurs}fire |
| 10 | chief-may-be-a-regular-county-officer-or-other-person-who-in |
| 11 | theopinionofthe-board-is-the-bost-qualified-to-perform |
| 12 | the-duties-of-this-offices and-who Heisnotentitledto |
| 13 | additional-compensation-for-the-duties-hereby-imposed: |
| 14 | t2:4:countyvolunteerfirecompony-ebief-may-be-o |
| 15 | requist-county-contents-He-is-notentitledtoadditional |
| 16 | compensation:=for==his==service==as=a=volunteec=fire=company |
| 17 | chiefy* |
| 18 | Section-4Section-7-33-2298y-ACAy-is-amended-to-read+ |
| 19 | #7-33-2200wFire-control-powersliability=fit-Any |
| 20 | county-rural-fire-chief-ordistrictrural <u>volunteer</u> fire |
| 21 | <u>company</u> ehieforhis-deputy-may-enter-private-property-or |
| 22 | ANU-direct-the-entry-of-fire-control-crews-or-volunteer_fire |
| 23 | SORPERIES-for-the-purpose-of-suppressing-fires: |
| 24 | t21A-chief-or-deputy-end-the-county-or-rarel-district |
| 25 | ore-immune-from-suitforinjurytopersonsorproperty |

| 1 | resultingfromactionstaken-to-suppress-fires-under-this |
|------|--|
| 2 | sections ² |
| 3 | NEW-SECTIONsSection- |
| 4 | electionofficers(1)Thecounty-governing-body-may |
| 5 | appaint-five-trustees-to-govern-and-manage-the-affairs-of |
| 6 | aounty-volunteer-fire-company-or-companies: |
| 7 | f2jThe-duties-of-the-trustmes-include: |
| 8 | fa)recommendingtothe-county-governing-body-budge |
| 9 | levels-for-funding-fire-protection-services; |
| 10 | <pre>fb)entering-into-mutual-oid-agreements-for-protection</pre> |
| 11 | against-naturalormanmadedisastersywiththeconsent |
| 12 | <u>EGNEURRENEE</u> -of-the-county-governing-bodys-and |
| 13 | (c)administering-other-affairs-of-the-fire-company-o |
| 14 | companiess |
| 15 | (3)Thetrusteesinitiallyappointedby-the-count |
| 16 | governingbodyshallserveuntiltheirsuccessorsor |
| 17 | efectedsSuchefectionmustbeinthesome-manner-a |
| 18 | provided-in-7-33-2186v |
| 19 | t4}∓he-trustees-shall-elect-achairmanandappoin |
| 20 | one-member-to-serve-os-secretaryv |
| 21 | NEW-SEGIIONESection-6Countyruralfirecouncil |
| 22 - | The-county-governing-bodymoyformacountyruralfir |
| 23 | counciltoadvisethe-governing-body-on-administering-it |
| 24 | rural-fire-protection-dutiesThe-countyruralfirechic |
| _ | |

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| 1 | SHALL-INGLUDE-MEMBERS-ID-BE-APPOINTED-ERBM-THE-YARIOUS-RURAL |
|----|--|
| 5 | EIREBISIRICISAND-YOLUNICER-EIRE-GBUCANIES-IURBUGHOUT-IHE |
| 3 | GOUNTY=:IHE-GOUNGIL-MEMBERS-SYALL-ELEGTAGHAIRMANANDA |
| 4 | SECRETARY-BE-THE-COUNCIL+ |
| 5 | MEH:SEETIBH:Seeton-TaRepeateraSeetion-7-33-22847 |
| 6 | MGA _T -is-repealed* |
| 7 | NEW-SEGIIBNeSection-8Codificationinstructions |
| 8 | Sections-5-and-6-are-intended-to-be-codified-as-anintegrat |
| 9 | partof-Title-Ty-chapter-33y-part-22y-and-the-provisions-of |
| 10 | fitte-7y-chapter-33y-part-22y-apply-to-sections-5-and-6s |
| 11 | NEW_SECTION. Section 2. Effective date. This act is |
| 12 | effective July 1, 1983. |