

SENATE BILL NO. 406

INTRODUCED BY LYNCH, C. SMITH

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Judiciary.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.
February 21, 1985	Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass.
February 25, 1985	Considered correctly engrossed. Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 23, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 26, 1985	Second reading, concurred in.
March 28, 1985	Third reading, concurred in. Returned to Senate with amendments.

IN THE SENATE

March 28, 1985

Received from House.

April 2, 1985

Second reading, amendments
concurrent in.

April 4, 1985

Third reading, amendments
concurrent in.
Ayes, 50; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 406
 2 INTRODUCED BY Joseph P. ...
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAWS RELATING TO THE INTERNAL ORGANIZATION OF THE DEPARTMENT
 7 OF JUSTICE; SUBSTITUTING THE TERMS "DEPARTMENT OF JUSTICE"
 8 OR "DEPARTMENT" FOR TERMS RELATING TO SPECIFIC DIVISIONS OR
 9 BUREAUS WITHIN THE DEPARTMENT; AMENDING SECTIONS 2-15-2005,
 10 44-2-111, 44-3-106, 44-3-201, 44-3-204, 44-3-303, 53-4-505,
 11 AND 61-3-108, MCA; AND REPEALING SECTIONS 2-15-2002 THROUGH
 12 2-15-2004, 44-2-101, 44-2-102, 44-3-103, 44-3-202, 44-3-212,
 13 AND 44-3-304, MCA."

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

16 NEW SECTION. Section 1. "Division of motor vehicles"
 17 changed to "department of justice". Wherever the term
 18 "division of motor vehicles", "motor vehicle division", or
 19 "division", meaning division of motor vehicles, appears in
 20 Title 44, chapter 1, or Title 61, it is changed to
 21 "department of justice" or "department" meaning the
 22 department of justice.

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 24 investigation" changed to "department of justice". Wherever
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4 NEW SECTION. Section 3. "Fire marshal bureau" changed
 5 to "department of justice". Wherever the term "fire marshal
 6 bureau" or "bureau", meaning fire marshal bureau, appears in
 7 Title 50, chapter 3, it is changed to "department of
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9 Section 4. Section 2-15-2005, MCA, is amended to read:
 10 "2-15-2005. Fire State fire marshal bureau -- advisory
 11 council. (1) There is a state fire marshal bureau in the
 12 department of justice which who is under the supervision and
 13 control of the attorney general.

14 ~~{2}--The chief of the fire marshal bureau shall be~~
 15 ~~appointed by the attorney general and shall serve at his~~
 16 ~~pleasure. The chief of the fire marshal bureau is the state~~
 17 ~~fire marshal.~~

18 {3}{2} A person appointed state fire marshal shall
 19 have:

- 20 (a) at least 10 years of progressively responsible
- 21 experience in fire protection;
- 22 (b) a 2-year associate degree in fire protection
- 23 engineering from a recognized institution of higher
- 24 education and 2 years' experience in fire protection; or
- 25 (c) a degree from a recognized institution of higher



1 education in fire protection engineering or fire protection
2 technology.

3 ~~(4)~~(3) The attorney general shall create a fire
4 marshal advisory council in accordance with procedures
5 provided in 2-15-122."

6 Section 5. Section 44-2-111, MCA, is amended to read:
7 "44-2-111. Definition of "agent". As used in this
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10 perform related duties within the attorney general's
11 office."

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13 "44-3-106. Power of attorney general to employ
14 personnel. The attorney general is authorized to employ such
15 personnel as may be necessary to ~~conduct the affairs of the~~
16 division of forensic science perform the functions of this
17 chapter."

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19 "44-3-201. ~~Definition of state~~ State medical examiner.
20 "State A state medical examiner" ~~means the state medical~~
21 examiner provided for in 2-15-2004 must be appointed by the
22 attorney general to administer department functions assigned
23 by 44-3-104. The state medical examiner may perform such
24 other duties as may be assigned by the attorney general. The
25 state medical examiner must be a forensic pathologist

1 qualified and certified by the American board of pathology."

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23 "53-4-505. Fire safety -- certification required. (1)
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1 day-care centers from fire hazards and arrange for such
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4 day-care center, each applicant shall submit to the
5 department a certificate of approval from the fire marshal
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9 "61-3-108. Disposition of fees -- use. (1) All fees
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12 state special revenue fund.

13 (2) Funds deposited in the motor vehicle recording
14 account of the state special revenue fund may be expended
15 for the following purposes:

16 (a) to pay the salaries and operating expenses ~~of--the~~
17 division associated with performing duties under this
18 chapter, including the manufacture and delivery of license
19 plates;

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23 bureau;

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2 center to the extent that all of the above programs have
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-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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SB 0406/02

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-End-

STANDING COMMITTEE REPORT

HOUSE

March 22 19 85

page 1 of 2

MR. Speaker:

We, your committee on Judiciary

having had under consideration Senate Bill No. 406

Third reading copy (Blue)
color

REVISING LAWS RELATING TO INTERNAL ORGANIZATION OF JUSTICE DEPARTMENT

Respectfully report as follows: That Senate Bill No. 406

be amended as follows:

1. Title, line 10.
Strike: "44-3-204,"

2. Title, line 12.
Following: "2-15-2004"
Strike: ", "
Insert: "AND"

Strike: ", 44-2-102,"
Insert: "through"

3. Title, line 13.
Strike: "44-3-202, 44-3-212, AND 44-3-304,"

4. Page 4, following line 12.
Strike: section 10 in its entirety.

XXXXXX

(continued)

Chairman.

AND AS AMENDED,
BE CONCURRED IN

KAC
Fu 3/23

Tom Hannah
REP. TOM HANNAH Chairman.

March 22 19 85

page 2 of 2

Renumber subsequent sections

5. Page 5, line 1.
Following: "examiner"
Insert: "to the state medical examiner"

6. Page 7, lines 16 and 17.
Following: "44-2-102"
Insert: "and"

Following: "44-3-103,"
Strike: "44-3-202, 44-3-212, and 44-3-304,"

1 SENATE BILL NO. 406

2 INTRODUCED BY LYNCH, C. SMITH

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO THE INTERNAL ORGANIZATION OF THE DEPARTMENT
7 OF JUSTICE; SUBSTITUTING THE TERMS "DEPARTMENT OF JUSTICE"
8 OR "DEPARTMENT" FOR TERMS RELATING TO SPECIFIC DIVISIONS OR
9 BUREAUS WITHIN THE DEPARTMENT; AMENDING SECTIONS 2-15-2005,
10 44-2-111, 44-3-104 THROUGH 44-3-106, 44-3-201, ~~44-3-204,~~
11 44-3-303, 53-4-505, AND 61-3-108, MCA; AND REPEALING
12 SECTIONS 2-15-2002 THROUGH 2-15-2004, 44-2-101, 44-2-102,
13 AND 44-3-103, ~~44-3-202, 44-3-212, AND 44-3-304,~~ MCA."

14

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

16 NEW SECTION. Section 1. "Division of motor vehicles"
17 changed to "department of justice". Wherever the term
18 "division of motor vehicles", "motor vehicle division", or
19 "division", meaning division of motor vehicles, appears in
20 Title 44, chapter 1, or Title 61, it is changed to
21 "department of justice" or "department" meaning the
22 department of justice.

23 NEW SECTION. Section 2. "Bureau of criminal
24 investigation" changed to "department of justice". Wherever
25 the term "bureau of criminal investigation" or "bureau",

1 meaning bureau of criminal investigation, appears in Title
2 44, chapter 2, it is changed to "department of justice" or
3 "department" meaning the department of justice.

4 NEW SECTION. Section 3. "Fire marshal bureau" changed
5 to "department of justice". Wherever the term "fire marshal
6 bureau" or "bureau", meaning fire marshal bureau, appears in
7 Title 50, chapter 3, it is changed to "department of
8 justice" or "department" meaning the department of justice.

9 Section 4. Section 2-15-2005, MCA, is amended to read:
10 "2-15-2005. Fire State fire marshal bureau -- advisory
11 council. (1) There is a state fire marshal bureau in the
12 department of justice which who is under the supervision and
13 control of the attorney general.

14 ~~{2}--The--chief--of--the--fire--marshal--bureau--shall--be
15 appointed--by--the--attorney--general--and--shall--serve--at--his
16 pleasure--The--chief--of--the--fire--marshal--bureau--is--the--state
17 fire--marshal--~~

18 ~~{3}~~(2) A person appointed state fire marshal shall
19 have:

20 (a) at least 10 years of progressively responsible
21 experience in fire protection;

22 (b) a 2-year associate degree in fire protection
23 engineering from a recognized institution of higher
24 education and 2 years' experience in fire protection; or

25 (c) a degree from a recognized institution of higher

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1 education in fire protection engineering or fire protection
2 technology.

3 ~~†4†~~(3) The attorney general shall create a fire
4 marshal advisory council in accordance with procedures
5 provided in 2-15-122."

6 Section 5. Section 44-2-111, MCA, is amended to read:

7 "44-2-111. Definition of "agent". As used in this
8 part, "agent" means a person appointed to ~~the--bureau--of~~
9 ~~criminal--investigation~~ conduct criminal investigations and
10 perform related duties within the attorney general's
11 office."

12 SECTION 6. SECTION 44-3-104, MCA, IS AMENDED TO READ:

13 "44-3-104. Functions of ~~division~~ department. The
14 forensics functions of the ~~division~~ department of justice
15 include operation of:

- 16 (1) a laboratory of criminalistics; and
17 (2) an office of forensic pathology."

18 SECTION 7. SECTION 44-3-105, MCA, IS AMENDED TO READ:

19 "44-3-105. Authority to accept grants. The ~~division-of~~
20 ~~forensic--science~~ department of justice is authorized to
21 accept federal and other moneys which may be made available
22 to accomplish the purposes of this chapter."

23 Section 8. Section 44-3-106, MCA, is amended to read:

24 "44-3-106. Power of attorney general to employ
25 personnel. The attorney general is authorized to employ such

1 personnel as may be necessary to ~~conduct-the-affairs-of-the~~
2 ~~division-of-forensic-science~~ perform the functions of this
3 chapter."

4 Section 9. Section 44-3-201, MCA, is amended to read:

5 "44-3-201. ~~Definition-of-state~~ State medical examiner.
6 "State A state medical examiner"~~--means--the--state--medical~~
7 ~~examiner--provided-for-in-2-15-2004~~ must be appointed by the
8 attorney general to administer department functions assigned
9 by 44-3-104. The state medical examiner may perform such
10 other duties as may be assigned by the attorney general. The
11 state medical examiner must be a forensic pathologist
12 qualified and certified by the American board of pathology."

13 ~~Section-10--Section-44-3-204, MCA, is amended to read:~~

14 "44-3-204. ~~Associate~~ ~~medical~~ ~~examiners~~ ~~-----~~
15 ~~compensation:--(i)--Associate-medical-examiners-may-be-paid~~
16 ~~for--their--services--an--amount--which--the--state--medical~~
17 ~~examiner~~ ~~attorney--general~~ ~~considers--to--be--reasonable~~
18 ~~compensation-and-may-be-reimbursed--for--expenses--actually~~
19 ~~incurred-in-the-performance-of-their-duties;~~

20 ~~†2†--The--costs--of--services--performed--by--associate~~
21 ~~medical-examiners-are-chargeable-to-the-county-for-which-the~~
22 ~~service-is-performed."~~

23 Section 10. Section 44-3-303, MCA, is amended to read:

24 "44-3-303. Duties of laboratory director. The
25 laboratory director shall:

1 (1) be responsible to--the-state-medical-examiner TO
2 THE STATE MEDICAL EXAMINER for supervision and direction of
3 the laboratory;

4 (2) appoint laboratory personnel;

5 (3) render decisions as to the disposition of
6 specimens; and

7 (4) perform all other duties required by the rules of
8 the division DEPARTMENT."

9 Section 11. Section 53-4-505, MCA, is amended to read:

10 "53-4-505. Fire safety -- certification required. (1)
11 The state fire marshal of the department of justice shall
12 adopt and enforce rules for the protection of children in
13 day-care centers from fire hazards and arrange for such
14 inspections and investigations as it considers necessary.

15 (2) Before a license can be issued to operate a
16 day-care center, each applicant shall submit to the
17 department a certificate of approval from the fire marshal
18 bureau of the department of justice or its his designee,
19 indicating that fire safety rules have been met."

20 Section 12. Section 61-3-108, MCA, is amended to read:

21 "61-3-108. Disposition of fees -- use. (1) All fees
22 payable to the division department under this chapter TITLE,
23 UNLESS OTHERWISE PROVIDED, shall be deposited in a motor
24 vehicle recording account of the state special revenue fund.

25 (2) Funds deposited in the motor vehicle recording

1 account of the state special revenue fund may be expended
2 for the following purposes:

3 (a) to pay the salaries and operating expenses ~~of the~~
4 division associated with performing duties under this
5 chapter TITLE, including the manufacture and delivery of
6 license plates;

7 (b) to fund the forensic science division activities
8 of the department of justice;

9 (c) to fund the Montana law enforcement academy
10 bureau;

11 (d) to fund the law enforcement teletype system bureau
12 of the department of justice;

13 (e) to fund the Montana criminal law information
14 center to the extent that all of the above programs have
15 been previously funded and funds remain available."

16 NEW SECTION. SECTION 13. CODE COMMISSIONER
17 INSTRUCTIONS. (1) WHEREVER THE TERMS "DIVISION OF MOTOR
18 VEHICLES", "MOTOR VEHICLE DIVISION", OR "DIVISION" MEANING
19 DIVISION OF MOTOR VEHICLES APPEAR IN LEGISLATION ENACTED IN
20 THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSIONER IS
21 INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR
22 "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

23 (2) WHEREVER THE TERMS "BUREAU OF CRIMINAL
24 INVESTIGATION" OR "BUREAU" MEANING THE BUREAU OF CRIMINAL
25 INVESTIGATION APPEAR IN LEGISLATION ENACTED BY THE 49TH

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2 CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT"
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4 (3) WHEREVER THE TERMS "FIRE MARSHAL BUREAU" OR
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10 (4) WHEREVER THE TERMS "DIVISION OF FORENSIC SCIENCES"
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