

HOUSE BILL NO. 340

INTRODUCED BY LEE

IN THE HOUSE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 23, 1989	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1989	ON MOTION, TAKEN FROM PRINTING AND REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT.
FEBRUARY 10, 1989	SECOND READING, DO PASS. ENGROSSING REPORT.
FEBRUARY 13, 1989	THIRD READING, PASSED. AYES, 82; NOES, 15. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT. FIRST READING.
MARCH 2, 1989	ON MOTION, SENATE ACCEDED TO REQUEST OF HOUSE FOR RETURN OF BILL FOR CORRECTIONS RETURNED TO HOUSE.

IN THE HOUSE

MARCH 2, 1989	SENT TO PRINTING FOR CORRECTED PRINTED COPY.
MARCH 3, 1989	PRINTING REPORT.
MARCH 4, 1989	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 6, 1989	SECOND READING, DO PASS.
MARCH 7, 1989	ENGROSSING REPORT.
MARCH 8, 1989	THIRD READING, PASSED. AYES, 89; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 9, 1989	INTRODUCED AND REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1989	SECOND READING, CONCURRED IN.
MARCH 20, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 21, 1989	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 340
2 INTRODUCED BY Dr.
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING A CITY'S OR
5 TOWN'S AUTHORITY TO BAN THE SALE OF FIREWORKS WITHIN ITS
6 LIMITS; AMENDING SECTION 50-37-102, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."
8

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

10 **Section 1.** Section 50-37-102, MCA, is amended to read:

11 **"50-37-102. Where chapter not to apply.** (1) Nothing in
12 this chapter shall be construed to prohibit the sale of any
13 kind of fireworks to a person holding a permit issued under
14 50-37-107 at the display covered by such permits, the use of
15 fireworks by railroads or other transportation agencies for
16 signal purposes or illumination or when used in quarrying or
17 blasting or other industrial use, or the sale or use of
18 blank cartridges for a show or theater, for signal or
19 ceremonial purposes in athletics or sports, or for use by
20 military organizations or organizations composed of veterans
21 of the United States armed forces.

22 (2) This chapter does not apply to toy paper caps
23 containing less than one-fourth of a grain of explosive
24 composition per cap, to the manufacture, storage, sale, or
25 use of signals necessary for the safe operation of railroads

1 or other classes of public or private transportation, to the
2 military or naval forces of the United States or this state,
3 to peace officers, or to the sale or use of blank cartridges
4 for ceremonial, theatrical, or athletic events.

5 (3) Nothing in this chapter authorizes the sale of
6 fireworks in a city or town that has banned the sale of
7 fireworks within the city or town as authorized in
8 7-33-4206."

9 **NEW SECTION. Section 2. Extension of authority.** Any
10 existing authority to make rules on the subject of the
11 provisions of [this act] is extended to the provisions of
12 [this act].

13 **NEW SECTION. Section 3. Effective date.** [This act] is
14 effective on passage and approval.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 340

INTRODUCED BY LEE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING A COUNTY'S, CITY'S, OR TOWN'S AUTHORITY TO BAN THE SALE OF FIREWORKS WITHIN ITS LIMITS; AMENDING SECTION SECTIONS 7-33-2205, 7-33-2206, AND 50-37-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 7-33-2205, MCA, IS AMENDED TO READ:

"7-33-2205. Establishment of fire season -- permit requirements -- regulation of fireworks. (1) The county governing body may in its discretion establish fire seasons annually, during which no person may ignite or set any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any forest, range, or croplands subject to the provisions of this part without having obtained an official written permit to ignite or set such fire from the recognized protection agency for that protection area.

(2) The county governing body may in its discretion regulate or prohibit the use or sale of fireworks within the county but may not regulate the use or sale of fireworks within an incorporated city or town."

SECTION 2. SECTION 7-33-2206, MCA, IS AMENDED TO READ:

"7-33-2206. Violations. (1) Any person who ignites or sets any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within any forest, range, or cropland subject to the provisions of this part without first having obtained a written permit to ignite or set such fire is guilty of a misdemeanor.

(2) Any person who sells or uses fireworks in violation of a county prohibition or regulation of the sale or use of fireworks established pursuant to 7-33-2205(2) is guilty of a misdemeanor."

Section 3. Section 50-37-102, MCA, is amended to read:

"50-37-102. Where chapter not to apply. (1) Nothing in this chapter shall be construed to prohibit the sale of any kind of fireworks to a person holding a permit issued under 50-37-107 at the display covered by such permits, the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or blasting or other industrial use, or the sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations or organizations composed of veterans of the United States armed forces.

(2) This chapter does not apply to toy paper caps containing less than one-fourth of a grain of explosive

1 composition per cap, to the manufacture, storage, sale, or
2 use of signals necessary for the safe operation of railroads
3 or other classes of public or private transportation, to the
4 military or naval forces of the United States or this state,
5 to peace officers, or to the sale or use of blank cartridges
6 for ceremonial, theatrical, or athletic events.

7 (3) Nothing in this chapter authorizes the sale of
8 fireworks in a:

9 (A) COUNTY THAT HAS BANNED THE SALE OF FIREWORKS
10 WITHIN THE COUNTY AS AUTHORIZED IN 7-33-2205; OR

11 (B) city or town that has banned the sale of fireworks
12 within the city or town as authorized in 7-33-4206."

13 NEW SECTION. Section 4. Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

17 NEW SECTION. Section 5. Effective date. [This act] is
18 effective on passage and approval.

-End-

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(2) The county governing body may in its discretion regulate or prohibit the use or sale of fireworks within the county but may not regulate the use or sale of fireworks within an incorporated city or town."

SECTION 2. SECTION 7-33-2206, MCA, IS AMENDED TO READ:

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(2) Any person who sells or uses fireworks in violation of a county prohibition or regulation of the sale or use of fireworks established pursuant to 7-33-2205(2) is guilty of a misdemeanor."

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"50-37-102. Where chapter not to apply. (1) Nothing in this chapter shall be construed to prohibit the sale of any kind of fireworks to a person holding a permit issued under 50-37-107 at the display covered by such permits, the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or blasting or other industrial use, or the sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations or organizations composed of veterans of the United States armed forces.

(2) This chapter does not apply to toy paper caps containing less than one-fourth of a grain of explosive

composition per cap, to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, to the military or naval forces of the United States or this state, to peace officers, or to the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

(3) Nothing in this chapter authorizes the sale of fireworks in a:

(A) COUNTY THAT HAS BANNED THE SALE OF FIREWORKS WITHIN THE COUNTY AS AUTHORIZED IN 7-33-2205; OR

(B) city or town that has banned the sale of fireworks within the city or town as authorized in 7-33-4206."

NEW SECTION. Section 4. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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6 fireworks in a city or town that has banned the sale of
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9 NEW SECTION. Section 2. Extension of authority. Any
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