

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

House BILL NO. 166

INTRODUCED BY Wayne Bishop

Wayne Bishop House Carry

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FIRE SERVICE AREAS TO ADOPT A FIRE CODE AND PLAN FOR ENFORCEMENT UPON CERTIFICATION BY THE DEPARTMENT OF JUSTICE; PROVIDING FOR FIRE INSPECTIONS IN FIRE SERVICE AREAS; AND AMENDING SECTIONS 7-33-2402, 50-61-102, 50-61-114, AND 50-63-202, MCA."

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

Section 1. Section 7-33-2402, MCA, is amended to read:

"7-33-2402. **Area services.** (1) A fire service area created pursuant to 7-33-2401 may provide residents of the area with adequate and standard:

~~(1)(a)~~(a) (i) fire and emergency response equipment, personnel, facilities, and maintenance, for a fire service agency providing service to the area; or

~~(b)~~(ii) fire protection by contracting for the services of a fire service agency; and

~~(2)~~(b) emergency medical services and equipment, licensed by the department of health and environmental sciences, and related personnel, facilities, and maintenance.

(2) A fire service area may, pursuant to 50-61-102, submit a fire code and a plan for enforcement to the department of justice in order to be certified for local enforcement."

Section 2. Section 50-61-102, MCA, is amended to read:

"50-61-102. **Department of justice to administer chapter.** (1) The department of justice has general charge and supervision of the enforcement of this chapter, and the officers enumerated in 50-61-114 shall act under its general charge and supervision, shall assist the department in giving effect to this chapter, and are subject to its direction and the rules adopted under 50-3-102 and 50-3-103 for the enforcement of 50-61-120 and 50-61-121 and this chapter.

(2) Upon its approval of a fire code and a plan for enforcement of the code filed by a municipality, ~~or district,~~ or fire service area, the department may certify a municipal, ~~or district,~~ or fire service area fire inspection program for local enforcement."



HB166
INTRODUCED BILL

1 **Section 3.** Section 50-61-114, MCA, is amended to read:

2 "**50-61-114. Fire chief and fire inspector to make inspections.** The chief of the fire department of
3 each municipality, ~~or~~ district, or fire service area, when a fire inspection program is established, or a fire
4 inspector of the department of justice, when ~~no~~ a fire inspection program ~~exists~~ does not exist, for the
5 purpose of examining the premises for violations of this chapter and rules adopted under 50-3-103 for the
6 enforcement of this chapter:

7 (1) shall enter into school buildings at least once each 12 months; and

8 (2) may enter into all other buildings and upon all other premises within ~~his~~ the jurisdiction,
9 according to priority schedules established by the department for conducting inspections of buildings and
10 premises."

11

12 **Section 4.** Section 50-63-202, MCA, is amended to read:

13 "**50-63-202. Fire chief or sheriff to conduct investigation.** If the fire occurs within a municipality,
14 ~~or~~ organized fire district, or fire service area, the chief of the fire department shall make the investigation.
15 If the fire occurs outside a municipality, ~~or~~ organized fire district, or fire service area, the county sheriff shall
16 make the investigation."

17

-END-

HOUSE BILL NO. 166

INTRODUCED BY MCGEE, MILLER, HARPER, BISHOP, BARTLETT, CAREY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FIRE SERVICE AREAS TO ADOPT A FIRE CODE AND PLAN FOR ENFORCEMENT UPON CERTIFICATION BY THE DEPARTMENT OF JUSTICE; PROVIDING FOR FIRE INSPECTIONS IN FIRE SERVICE AREAS; AND AMENDING SECTIONS 7-33-2402, 50-61-102, 50-61-114, AND 50-63-202, MCA."

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

Section 1. Section 7-33-2402, MCA, is amended to read:

"7-33-2402. Area services. (1) A fire service area created pursuant to 7-33-2401 may provide residents of the area with adequate and standard:

~~(1)(a)~~ (a) (i) fire and emergency response equipment, personnel, facilities, and maintenance, for a fire service agency providing service to the area; or

~~(b)~~ (ii) fire protection by contracting for the services of a fire service agency; and

~~(2)(b)~~ (b) emergency medical services and equipment, licensed by the department of health and environmental sciences, and related personnel, facilities, and maintenance.

(2) A fire service area may, pursuant to 50-61-102, submit a fire code and a plan for enforcement to the department of justice in order to be certified for local enforcement. HOWEVER, AN APPOINTED BOARD OF TRUSTEES OF A FIRE SERVICE AREA SHALL OBTAIN APPROVAL OF THE COUNTY COMMISSIONERS PRIOR TO SUBMITTING A FIRE CODE AND A PLAN OF ENFORCEMENT TO THE DEPARTMENT OF JUSTICE."

Section 2. Section 50-61-102, MCA, is amended to read:

"50-61-102. Department of justice to administer chapter. (1) The department of justice has general charge and supervision of the enforcement of this chapter, and the officers enumerated in 50-61-114 shall act under its general charge and supervision, shall assist the department in giving effect to this chapter, and are subject to its direction and the rules adopted under 50-3-102 and 50-3-103 for the enforcement of 50-61-120 and 50-61-121 and this chapter.

1 (2) Upon its approval of a fire code and a plan for enforcement of the code filed by a municipality,
2 ~~or district, or fire service area,~~ the department may certify a municipal, ~~or district, or fire service area~~ fire
3 inspection program for local enforcement."
4

5 **Section 3.** Section 50-61-114, MCA, is amended to read:

6 **"50-61-114. Fire chief and fire inspector to make inspections.** The chief of the fire department of
7 each municipality, ~~or district, or fire service area,~~ when a fire inspection program is established, or a fire
8 inspector of the department of justice, when ~~there is~~ a fire inspection program ~~exists~~ does not exist, for the
9 purpose of examining the premises for violations of this chapter and rules adopted under 50-3-103 for the
10 enforcement of this chapter:

11 (1) shall enter into school buildings at least once each 12 months; and

12 (2) may enter into all other buildings and upon all other premises within ~~his~~ the jurisdiction,
13 according to priority schedules established by the department for conducting inspections of buildings and
14 premises."
15

16 **Section 4.** Section 50-63-202, MCA, is amended to read:

17 **"50-63-202. Fire chief or sheriff to conduct investigation.** If the fire occurs within a municipality,
18 ~~or organized fire district, or fire service area,~~ the chief of the fire department shall make the investigation.
19 If the fire occurs outside a municipality, ~~or organized fire district, or fire service area,~~ the county sheriff shall
20 make the investigation."
21

-END-

1 HOUSE BILL NO. 166

2 INTRODUCED BY MCGEE, MILLER, HARPER, BISHOP, BARTLETT, CAREY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FIRE SERVICE AREAS TO ADOPT A FIRE CODE AND
5 PLAN FOR ENFORCEMENT UPON CERTIFICATION BY THE DEPARTMENT OF JUSTICE; PROVIDING FOR
6 FIRE INSPECTIONS IN FIRE SERVICE AREAS; AND AMENDING SECTIONS 7-33-2402, 50-61-102,
7 50-61-114, AND 50-63-202, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 Section 1. Section 7-33-2402, MCA, is amended to read:

12 "7-33-2402. Area services. (1) A fire service area created pursuant to 7-33-2401 may provide
13 residents of the area with adequate and standard:

14 ~~(1)(a)~~(a) (i) fire and emergency response equipment, personnel, facilities, and maintenance, for a
15 fire service agency providing service to the area; or

16 ~~(b)~~(ii) fire protection by contracting for the services of a fire service agency; and

17 ~~(2)(b)~~ (b) emergency medical services and equipment, licensed by the department of health and
18 environmental sciences, and related personnel, facilities, and maintenance.

19 (2) A fire service area may, pursuant to 50-61-102, submit a fire code and a plan for enforcement
20 to the department of justice in order to be certified for local enforcement. HOWEVER, AN APPOINTED
21 BOARD OF TRUSTEES OF A FIRE SERVICE AREA SHALL OBTAIN APPROVAL OF THE COUNTY
22 COMMISSIONERS PRIOR TO SUBMITTING A FIRE CODE AND A PLAN OF ENFORCEMENT TO THE
23 DEPARTMENT OF JUSTICE."

24
25 Section 2. Section 50-61-102, MCA, is amended to read:

26 "50-61-102. Department of justice to administer chapter. (1) The department of justice has general
27 charge and supervision of the enforcement of this chapter, and the officers enumerated in 50-61-114 shall
28 act under its general charge and supervision, shall assist the department in giving effect to this chapter,
29 and are subject to its direction and the rules adopted under 50-3-102 and 50-3-103 for the enforcement
30 of 50-61-120 and 50-61-121 and this chapter.

1 (2) Upon its approval of a fire code and a plan for enforcement of the code filed by a municipality,
2 ~~or~~ district, or fire service area, the department may certify a municipal, ~~or~~ district, or fire service area fire
3 inspection program for local enforcement."
4

5 **Section 3.** Section 50-61-114, MCA, is amended to read:

6 **"50-61-114. Fire chief and fire inspector to make inspections.** The chief of the fire department of
7 each municipality, ~~or~~ district, or fire service area, when a fire inspection program is established, or a fire
8 inspector of the department of justice, when ~~no~~ a fire inspection program ~~exists~~ does not exist, for the
9 purpose of examining the premises for violations of this chapter and rules adopted under 50-3-103 for the
10 enforcement of this chapter:

11 (1) shall enter into school buildings at least once each 12 months; and

12 (2) may enter into all other buildings and upon all other premises within ~~his~~ the jurisdiction,
13 according to priority schedules established by the department for conducting inspections of buildings and
14 premises."
15

16 **Section 4.** Section 50-63-202, MCA, is amended to read:

17 **"50-63-202. Fire chief or sheriff to conduct investigation.** If the fire occurs within a municipality,
18 ~~or~~ organized fire district, or fire service area, the chief of the fire department shall make the investigation.
19 If the fire occurs outside a municipality, ~~or~~ organized fire district, or fire service area, the county sheriff shall
20 make the investigation."
21

-END-

1 HOUSE BILL NO. 166

2 INTRODUCED BY MCGEE, MILLER, HARPER, BISHOP, BARTLETT, CAREY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FIRE SERVICE AREAS TO ADOPT A FIRE CODE AND
5 PLAN FOR ENFORCEMENT UPON CERTIFICATION BY THE DEPARTMENT OF JUSTICE; PROVIDING FOR
6 FIRE INSPECTIONS IN FIRE SERVICE AREAS; AND AMENDING SECTIONS 7-33-2402, 50-61-102,
7 50-61-114, AND 50-63-202, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10
11 **Section 1.** Section 7-33-2402, MCA, is amended to read:12 **"7-33-2402. Area services.** (1) A fire service area created pursuant to 7-33-2401 may provide
13 residents of the area with adequate and standard:14 ~~(1)(a)(a)~~ (i) fire and emergency response equipment, personnel, facilities, and maintenance, for a
15 fire service agency providing service to the area; or16 ~~(b)(ii)~~ (ii) fire protection by contracting for the services of a fire service agency; and17 ~~(2)(b)~~ (b) emergency medical services and equipment, licensed by the department of health and
18 environmental sciences, and related personnel, facilities, and maintenance.19 (2) A fire service area may, pursuant to 50-61-102, submit a fire code and a plan for enforcement
20 to the department of justice in order to be certified for local enforcement. HOWEVER, AN APPOINTED
21 BOARD OF TRUSTEES OF A FIRE SERVICE AREA SHALL OBTAIN APPROVAL OF THE COUNTY
22 COMMISSIONERS PRIOR TO SUBMITTING A FIRE CODE AND A PLAN OF ENFORCEMENT TO THE
23 DEPARTMENT OF JUSTICE."24
25 **Section 2.** Section 50-61-102, MCA, is amended to read:26 **"50-61-102. Department of justice to administer chapter.** (1) The department of justice has general
27 charge and supervision of the enforcement of this chapter, and the officers enumerated in 50-61-114 shall
28 act under its general charge and supervision, shall assist the department in giving effect to this chapter,
29 and are subject to its direction and the rules adopted under 50-3-102 and 50-3-103 for the enforcement
30 of 50-61-120 and 50-61-121 and this chapter.

1 (2) Upon its approval of a fire code and a plan for enforcement of the code filed by a municipality,
2 ~~or~~ district, or fire service area, the department may certify a municipal, ~~or~~ district, or fire service area fire
3 inspection program for local enforcement."
4

5 **Section 3.** Section 50-61-114, MCA, is amended to read:

6 "**50-61-114. Fire chief and fire inspector to make inspections.** The chief of the fire department of
7 each municipality, ~~or~~ district, or fire service area, when a fire inspection program is established, or a fire
8 inspector of the department of justice, when ~~no~~ a fire inspection program ~~exists~~ does not exist, for the
9 purpose of examining the premises for violations of this chapter and rules adopted under 50-3-103 for the
10 enforcement of this chapter:

11 (1) shall enter into school buildings at least once each 12 months; and

12 (2) may enter into all other buildings and upon all other premises within ~~his~~ the jurisdiction,
13 according to priority schedules established by the department for conducting inspections of buildings and
14 premises."
15

16 **Section 4.** Section 50-63-202, MCA, is amended to read:

17 "**50-63-202. Fire chief or sheriff to conduct investigation.** If the fire occurs within a municipality,
18 ~~or~~ organized fire district, or fire service area, the chief of the fire department shall make the investigation.
19 If the fire occurs outside a municipality, ~~or~~ organized fire district, or fire service area, the county sheriff shall
20 make the investigation."
21

-END-