

HOUSE BILL NO. 112

INTRODUCED BY E. ARNTZEN

BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PRESCRIBING THE AUTHORITY AND DUTIES OF CERTAIN GOVERNMENTAL FIRE AGENCY FIRE CHIEFS; AND REPEALING SECTION 7-33-2313, MCA."

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

NEW SECTION. **Section 1. Fire chief -- powers and duties.** (1) A fire chief of a governmental fire agency organized under this chapter must be considered the highest ranking officer in the agency and is responsible for the operation of the agency, including but not limited to:

- (a) development and implementation of agency programs and procedures;
- (b) performance of agency personnel;
- (c) preventing outbreak of fires;
- (d) minimizing danger to persons and damage to property caused by fires; and
- (e) ensuring the provision and management of any emergency services that are established by the agency and that are consistent with national and other appropriate standards. These services may include but are not limited to:

- (i) fire suppression;
- (ii) medical aid;
- (iii) hazardous materials response;
- (iv) ambulance service; and
- (v) extrication from vehicles.

(2) In development of agency regulations, programs, and procedures, the fire chief is subject to applicable laws and ordinances.

(3) The fire chief serves under the direction of the governing body that has created the governmental fire agency.

(4) The fire chief shall develop organizational and operational procedures and shall implement those procedures by issuing written administrative regulations and operational guidelines.

(5) In the event of a fire or other emergency involving the protection of life or property, the fire chief has

the authority to direct any operation necessary to extinguish or control the fire or perform a rescue IN COORDINATION WITH OTHER AUTHORITIES HAVING JURISDICTION.

(6) The fire chief may investigate suspected or reported fires, gas leaks, or other hazardous conditions and may take any action necessary to protect public health and safety and protect property or mitigate damage to property in the exercise of the chief's duties.

(7) In the exercise of the authority provided in subsections (5) and (6), the fire chief may:

- (a) enter any property;
- (b) prohibit any person, vehicle, or thing from approaching the scene;
- (c) remove or cause to be removed from the scene of the fire or other emergency any person, vehicle, or thing that the chief determines may interfere with the operations of the agency.

(8) (a) Subject to 50-3-102(1)(c), the fire chief may investigate the cause, origin, and circumstances of every fire that occurs in the chief's jurisdiction that involves the loss of life, injury to a person, destruction of property, or damage to property.

(b) Subject to 50-3-102(1)(c), as part of the investigation, the fire chief may take immediate charge of all physical evidence relating to the cause of the fire and may pursue the investigation to its conclusion.

(c) The fire chief may investigate the cause, origin, and circumstances of unauthorized releases of hazardous materials.

(9) (a) The fire chief ~~shall~~ MAY establish and maintain a program applicable to every community in the chief's jurisdiction that provides for:

- (i) regular examination of fire hazards; and
- (ii) regular inspection of commercial property, after the property has been approved for occupancy by A CERTIFIED CITY, COUNTY, OR TOWN BUILDING CODE JURISDICTION OR the department of labor and industry's building codes bureau BUREAU OF BUILDING AND MEASUREMENT STANDARDS, with particular emphasis on occupancies identified as high risk to life and property.

(b) The fire chief may establish a formal fire inspection program as authorized by the department of justice under 50-61-102.

(10) The fire chief shall report all fires to the department of justice and shall use the national fire incident reporting system or other reporting method approved by the department of justice's fire prevention and investigation section.

(11) The fire chief is responsible for establishing and maintaining a training program for the agency and may use existing federal, regional, state, and local training resources. The agency's program must include training

in all areas of emergency response in which the agency provides services.

(12) For the purposes of this section, "governmental fire agency" does not include municipal fire departments.

NEW SECTION. **Section 2. Repealer.** Section 7-33-2313, MCA, is repealed.

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 33, and the provisions of Title 7, chapter 33, apply to [section 1].

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