

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SUSPENSION PROCEDURES FOR MUNICIPAL
5 FIREFIGHTERS; REMOVING THE AUTHORITY OF A MUNICIPAL FIRE CHIEF TO ESTABLISH
6 DISCIPLINARY RULES FOR FIREFIGHTERS; PROVIDING THAT PROCEDURES FOR SUSPENSION,
7 DISCHARGE, AND DEMOTION OF MUNICIPAL FIREFIGHTERS BE CONSISTENT WITH PROCEDURES FOR
8 OTHER MUNICIPAL EMPLOYEES; AMENDING SECTIONS 7-3-4254, 7-33-4104, 7-33-4110, AND 7-33-4123,
9 MCA; AND REPEALING SECTION 7-33-4124, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 7-3-4254, MCA, is amended to read:

14 **"7-3-4254. Selection and supervision of officers and employees.** (1) In cities having a mayor and
15 two council members, the mayor is the superintendent of the department of accounts, finance, and public
16 property, and in cities having a mayor and four city council members, the mayor is the superintendent of the
17 department of public affairs. The mayor has general supervision over all departments of the city and over all
18 matters connected with the city, and the council shall, at its first regular meeting after the election of its members,
19 designate by majority vote one council member to be superintendent over each department of the city, but that
20 designation may be changed whenever it appears that the public service would be benefited.

21 (2) The council shall, at its first regular meeting after the election of its members or as soon thereafter
22 as practicable, elect by majority vote the following officers: a city clerk, a city treasurer, a city attorney, a city
23 auditor, a city engineer, a city physician, a chief of the fire department, a chief of the police department, a
24 commissioner of weights and measures, a street commissioner, library trustees, cemetery trustees, and other
25 officers and assistants as provided for by ordinance and that may be necessary to the proper and efficient
26 conduct of the affairs of the city. The council may by ordinance consolidate any of the enumerated offices, may
27 require any officer elected by the council to perform the duties of any other officer, and shall appoint a city judge
28 with the authority conferred by existing laws. The tenure in office of a chief of the fire department and other
29 officers of the fire department is governed by the provisions of 7-33-4106, ~~and 7-33-4122, and 7-33-4123.~~ through
30 ~~7-33-4124.~~ Any officer or assistant elected or appointed by the council may be removed from office at any time

1 by a majority vote of the members of the council, except as otherwise provided in this part.

2 (3) The council may create, fill, and discontinue offices and employment other than those prescribed in
3 this section, according to their judgment of the needs of the city, by majority vote of all the members to remove
4 any officer or employee, except as otherwise provided for in this part. The council may by resolution or otherwise
5 prescribe, limit, or change the compensation of officers or employees."

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7 **Section 2.** Section 7-33-4104, MCA, is amended to read:

8 **"7-33-4104. Duties of chief and assistant chief of fire department.** (1) The chief of the fire department
9 ~~has sole command and control over all persons connected with the fire department of the city or town and has~~
10 full power and authority over its the department's organization; and government; ~~and discipline. The chief may~~
11 ~~establish disciplinary rules that the chief considers advisable, subject to the approval of the city or town council.~~
12 The chief has charge of and is responsible for the engines and other apparatus and the property of the town or
13 city furnished to the fire department and shall see that they are at all times ready for use in the extinguishing of
14 fires.

15 (2) The assistant chief of the fire department shall aid the chief in the work of the department and in the
16 chief's absence shall perform the chief's duties."

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18 **Section 3.** Section 7-33-4110, MCA, is amended to read:

19 **"7-33-4110. Volunteer companies not affected.** Nothing contained in 7-33-4101 through 7-33-4104,
20 7-33-4106 through 7-33-4108, 7-33-4112, 7-33-4113, 7-33-4122, 7-33-4123, ~~through~~ 7-33-4125, and 7-33-4127
21 ~~shall~~ may be held or construed to affect any fire organization known as a volunteer fire company."

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23 **Section 4.** Section 7-33-4123, MCA, is amended to read:

24 **"7-33-4123. Authority to suspend firefighters -- procedures.** (1) The mayor or manager may suspend
25 the chief and assistant or any firefighter of the fire department for neglect of duty or a violation of any of the rules
26 of the fire department.

27 (2) The chief of the fire department may suspend the assistant chief of the fire department or any
28 firefighter for like cause.

29 (3) The assistant chief of the fire department may suspend any firefighter for a like cause.

30 (4) The provisions of Title 7, chapter 3, regarding procedures for discharge, demotion, and suspension

1 of municipal employees apply to firefighters employed by municipal fire departments."

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3 **NEW SECTION. Section 5. Repealer.** The following section of the Montana Code Annotated is

4 repealed:

5 7-33-4124. Suspension procedure.

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