

1 ~~members of the commission shall be reimbursed for meetings~~
 2 ~~at the rate of twenty dollars (\$20) per day plus actual~~
 3 ~~expenses including mileage, food, and lodgings. The~~
 4 ~~commissioner of insurance shall serve as chairman and the~~
 5 ~~state fire marshal shall serve as secretary of the~~
 6 ~~commission.~~

7 (4) The attorney general shall create a fire marshal
 8 advisory council in accordance with procedures provided in
 9 82A-110.

10 Section 2. Section 82-1202, R.C.M. 1947, is amended to
 11 read as follows:

12 "82-1202. Powers and duties of the state fire marshal.

13 (1) For the purpose of reducing the state's fire losses,
 14 the state fire marshal shall:

15 (1)(a) Make make at least one inspection during every
 16 a year of each state institution and submit a copy of the
 17 report to the state department of institutions with
 18 recommendations in regard to fire prevention, fire
 19 protection, and to the public safety;

20 (2)(b) Make make at least one inspection during every
 21 a year of each unit of the Montana university system and
 22 submit a copy of the report to the executive secretary of
 23 the university system commissioner of higher education with
 24 recommendations in regard to fire prevention, fire
 25 protection, and to the public safety;

1 ~~(3)(c) inspect inspect public, business, or industrial~~
 2 ~~buildings and require conformance to law or rules~~
 3 ~~promulgated under the provisions of this act; and~~

4 (d) direct local fire and law enforcement authorities
 5 in arson investigations and supervise such investigations
 6 when, in his judgment, supervision is necessary;

7 (e) review all training programs on investigation of
 8 accidental and incendiary fires and coordinate such training
 9 when advisable in the judgement of the state fire marshal;

10 (f) provide fire prevention and fire protection
 11 information to public officials and the general public;

12 (g) encourage and assist local fire authorities in
 13 fire prevention programs and adopt standards and implement a
 14 program to encourage fire departments to meet such
 15 standards;

16 (h) be the state entity primarily responsible for
 17 promoting the fire safety of the state's fire matters;

18 (i) encourage coordination of all services and
 19 agencies in structural fire matters to reduce duplication
 20 and fill voids in services;

21 (j) establish rules concerning responsibilities and
 22 procedures to be followed when there is a threat of
 23 explosive material in a building housing state offices; and

24 (4)(k) Do do all things necessary and convenient for
 25 carrying into effect the fire prevention laws of this state

1 governing this act and may adopt necessary rules for
2 safeguarding lives and property from the hazards of fire and
3 explosions. Rules shall be adopted as prescribed in the
4 "Montana Administrative Procedure Act" if fire prevention
5 rules are violated, the fire marshal may maintain an action
6 to enjoin the use of all or a portion of a building or
7 facility, or restrain a specific activity, until there is
8 compliance with the rules.

9 (2) The state fire marshal may:

10 (a) adopt rules necessary for safeguarding life and
11 property from the hazards of fire and explosion; and

12 (b) if necessary to safeguard life and property under
13 rules promulgated pursuant to this section, maintain an
14 action to enjoin the use of all or a portion of a building
15 or restrain a specific activity until there is compliance
16 with the rules.

17 ~~(5) Rules relating to building and equipment standards~~
18 ~~covered by the state or a municipal building code are~~
19 ~~effective after approval by the department of administration~~
20 ~~and filing with the secretary of state.~~

21 (3) Rules shall be adopted as prescribed in the
22 Montana Administrative Procedure Act."

23 Section 3. Repealer. Section 82A-1209, R.C.M. 1947, is
24 repealed.

-End-

STATE OF MONTANA

REQUEST NO. 20-77

FISCAL NOTE

Form BD-15

In compliance with a written request received Jan. 10, 19 77, there is hereby submitted a Fiscal Note for HB 90 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION

An act to revise and clarify certain laws governing the Fire Marshal Bureau, and establish a Fire Marshal Advisory Council.

ASSUMPTIONS

1. The Advisory Council will consist of five members, and the Council will meet two times per year with one day per meeting.
2. The additional duties outlined in the act only clarify duties already performed by the Fire Marshal Bureau; therefore, the duties create no additional costs.

FISCAL IMPACT

	<u>FY78</u>	<u>FY79</u>
Advisory Council cost:		
Per diem	\$150	\$150
Mileage	600	600
Lodging and meals	208	208
	<u>\$958</u>	<u>\$958</u>

Richard L. Drury for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-77

Approved by Committee
on State Administration

1 HOUSE BILL NO. 90
 2 INTRODUCED BY BOBBINS, GILLIGAN, BERTELSEN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
 5 CERTAIN LAWS GOVERNING THE FIRE MARSHAL BUREAU; DIRECTING
 6 ESTABLISHMENT OF A FIRE MARSHAL ADVISORY COUNCIL; AMENDING
 7 SECTIONS 82-1201 AND 82-1202, R.C.M. 1947; AND REPEALING
 8 SECTION 82A-1208, R.C.M. 1947."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 82-1201, R.C.M. 1947, is amended to
 12 read as follows:
 13 "82-1201. ~~Creation of office of state fire~~ Fire
 14 marshal -- fire prevention advisory commission. (1) There
 15 is ~~an office of state fire marshal,~~ a fire marshal bureau in
 16 the department of justice which is under the supervision and
 17 control of the ~~commissioner of insurance~~ attorney general.
 18 (2) The ~~state chief of the~~ fire marshal bureau shall
 19 be appointed by the ~~commissioner of insurance~~ attorney
 20 general and shall serve at his pleasure. ~~The chief of the~~
 21 fire marshal bureau is the state fire marshal.
 22 (3) A person appointed state fire marshal shall have:
 23 (a) ~~have~~ at least ~~ten--(10)~~ years of progressively
 24 responsible experience in fire protection; ~~or~~
 25 (i) a 2-year associate degree in fire protection

1 engineering from a recognized institution of higher
 2 education and ~~two--(2)~~ years' experience in fire protection;
 3 or
 4 (c) a degree from a recognized institution of higher
 5 education in fire protection engineering or fire protection
 6 technology.
 7 ~~(4) Not later than thirty (30) days after this act~~
 8 ~~becomes effective the commissioner of insurance shall~~
 9 ~~appoint a fire prevention advisory commission composed of~~
 10 ~~the following members:~~
 11 ~~(a) One person representing the fire insurance~~
 12 ~~industry whose initial term shall be for one (1) year;~~
 13 ~~(b) One person representing industry whose initial~~
 14 ~~term shall be for one (1) year;~~
 15 ~~(c) One person representing full-time paid fire~~
 16 ~~departments whose initial term shall be for two (2) years;~~
 17 ~~(d) One person representing volunteer fire departments~~
 18 ~~whose initial term shall be for two (2) years;~~
 19 ~~(e) One person representing architects of the state~~
 20 ~~whose initial term shall be for three (3) years;~~
 21 ~~(f) One person representing the public whose initial~~
 22 ~~term shall be for four (4) years;~~
 23 ~~(g) The commissioner of insurance.~~
 24 ~~After termination of the initial term, all members~~
 25 ~~shall be appointed for four (4) year terms. Appointed~~

1 ~~members of the commission shall be reimbursed for meetings~~
 2 ~~at the rate of twenty dollars (\$20) per day plus actual~~
 3 ~~expenses including mileage, food, and lodging. The~~
 4 ~~commissioner of insurance shall serve as chairman, and the~~
 5 ~~state fire marshal shall serve as secretary of the~~
 6 ~~commission.~~

7 (4) The attorney general shall create a fire marshal
 8 advisory council in accordance with procedures provided in
 9 82A-11C."

10 Section 2. Section 82-1202, R.C.M. 1947, is amended to
 11 read as follows:

12 "82-1202. Powers and duties of the state fire marshal.
 13 (1) For the purpose of reducing the state's fire loss,
 14 the state fire marshal shall:

15 ~~(1)(a) Make make~~ at least one inspection ~~during every~~
 16 ~~a year,~~ of each state institution, and submit a copy of the
 17 report to the ~~state~~ department of institutions with
 18 recommendations in regard to fire prevention, fire
 19 protection, and ~~to the~~ public safety.;

20 ~~(2)(b) Make make~~ at least one inspection ~~during every~~
 21 ~~a year,~~ of each unit of the Montana university system, and
 22 submit a copy of the report to the ~~executive secretary of~~
 23 ~~the university system~~ commissioner of higher education with
 24 recommendations in regard to fire prevention, fire
 25 protection, and ~~to the~~ public safety.;

1 ~~(2)(c) Inspect inspect~~ public, business, or industrial
 2 buildings and require conformance to law or rules
 3 promulgated under the provisions of this ~~act,~~ chapter;

4 (d) direct local fire and law enforcement authorities
 5 in arson investigations and supervise such investigations
 6 when, in his judgment, supervision is necessary;

7 (e) review all training programs on investigation of
 8 accidental and incendiary fires and coordinate such training
 9 when advisable in the judgement of the state fire marshal;

10 (f) provide fire prevention and fire protection
 11 information to public officials and the general public;

12 (g) encourage and assist local fire authorities in
 13 fire prevention programs and adopt standards and implement a
 14 program to encourage fire departments to meet such
 15 standards;

16 (h) be the state entity primarily responsible for
 17 promoting the fire safety of the state's CITIZENRY, AND TO
 18 REPRESENT THE STATE IN STRUCTURAL fire matters;

19 (i) encourage coordination of all services and
 20 agencies in structural fire matters to reduce duplication
 21 and fill voids in services;

22 (j) establish rules concerning responsibilities and
 23 procedures to be followed when there is a threat of
 24 explosive material in a building housing state offices; and

25 ~~(4)(k) To do~~ all things necessary and convenient for

1 carrying into effect the fire prevention laws of this state
2 ~~governing this act and may, adopt necessary rules for~~
3 ~~safeguarding lives and property from the hazards of fire and~~
4 ~~explosion. Rules shall be adopted as prescribed in the~~
5 ~~"Montana Administrative Procedure Act". If fire prevention~~
6 ~~rules are violated, the fire marshal may maintain an action~~
7 ~~to enjoin the use of all or a portion of a building or~~
8 ~~facility, or restrain a specific activity, until there is~~
9 ~~compliance with the rules.~~

10 (2) The state fire marshal may:

11 (a) adopt rules necessary for safeguarding life and
12 property from the hazards of fire and explosion; and

13 (b) if necessary to safeguard life and property under
14 rules promulgated pursuant to this section, maintain an
15 action to enjoin the use of all or a portion of a building
16 or restrain a specific activity until there is compliance
17 with the rules.

18 ~~(5) Rules relating to building and equipment standards~~
19 ~~covered by the state or a municipal building code are~~
20 ~~effective after approval by the department of administration~~
21 ~~and filing with the secretary of state.~~

22 (3) Rules shall be adopted as prescribed in the
23 Montana Administrative Procedure Act."

24 Section 3. Repealer. Section 82A-1208, R.C.M. 1947, is
25 repealed.

-End-

1 HOUSE BILL NO. 90

2 INTRODUCED BY ROBBINS, GILLIGAN, BERTELSEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
5 CERTAIN LAWS GOVERNING THE FIRE MARSHAL BUREAU; DIRECTING
6 ESTABLISHMENT OF A FIRE MARSHAL ADVISORY COUNCIL; AMENDING
7 SECTIONS 82-1201 AND 82-1202, R.C.M. 1947; AND REPEALING
8 SECTION 82A-1208, R.C.M. 1947."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:11 Section 1. Section 82-1201, R.C.M. 1947, is amended to
12 read as follows:13 "~~82-1201. Creation of office of state fire~~ Fire
14 marshal -- fire prevention advisory commission. (1) There
15 is an office of state fire marshal, a fire marshal bureau in
16 the department of justice which is under the supervision and
17 control of the ~~commissioner of insurance~~ attorney general.18 (2) The ~~state chief of the~~ fire marshal bureau shall
19 be appointed by the ~~commissioner of insurance~~ attorney
20 general and shall serve at his pleasure. The chief of the
21 fire marshal bureau is the state fire marshal.22 (3) A person appointed state fire marshal shall have:23 (a) ~~have~~ at least ~~ten~~ (10) years of progressively
24 responsible experience in fire protection; ~~or~~25 (b) a 2-year associate degree in fire protection1 engineering from a recognized institution of higher
2 education and ~~two~~ (2) years' experience in fire protection;
3 or4 (c) a degree from a recognized institution of higher
5 education in fire protection engineering or fire protection
6 technology.7 ~~(4) Not later than thirty (30) days after this act~~
8 ~~becomes effective the commissioner of insurance shall~~
9 ~~appoint a fire prevention advisory commission composed of~~
10 ~~the following members:~~11 ~~(a) One person representing the fire insurance~~
12 ~~industry whose initial term shall be for one (1) year;~~13 ~~(b) One person representing industry whose initial~~
14 ~~term shall be for one (1) year;~~15 ~~(c) One person representing full-time paid fire~~
16 ~~departments whose initial term shall be for two (2) years;~~17 ~~(d) One person representing volunteer fire departments~~
18 ~~whose initial term shall be for two (2) years;~~19 ~~(e) One person representing architects of the state~~
20 ~~whose initial term shall be for three (3) years;~~21 ~~(f) One person representing the public whose initial~~
22 ~~term shall be for four (4) years;~~23 ~~(g) The commissioner of insurance.~~24 ~~After termination of the initial term, all members~~
25 ~~shall be appointed for four (4) year terms. Appointed~~

~~1 members of the commission shall be reimbursed for meetings~~
~~2 at the rate of twenty dollars (\$20) per day plus actual~~
~~3 expenses including mileage, food, and lodging. The~~
~~4 commissioner of insurance shall serve as chairman, and the~~
~~5 state fire marshal shall serve as secretary of the~~
~~6 commission.~~

7 (4) The attorney general shall create a fire marshal
8 advisory council in accordance with procedures provided in
9 82A-110."

10 Section 2. Section 82-1202, R.C.M. 1947, is amended to
 11 read as follows:

12 "82-1202. Powers and duties of the state fire marshal.

13 (1) For the purpose of reducing the state's fire loss,
 14 the state fire marshal shall:

15 ~~(1)(a) Make make~~ at least one inspection ~~during every~~
 16 ~~a year,~~ of each state institution, and submit a copy of the
 17 report to the ~~state~~ department of institutions with
 18 recommendations in regard to fire prevention, fire
 19 protection, and ~~to the~~ public safety;

20 ~~(2)(b) Make make~~ at least one inspection ~~during every~~
 21 ~~a year,~~ of each unit of the Montana university system, and
 22 submit a copy of the report to the ~~executive secretary of~~
 23 ~~the university system~~ commissioner of higher education with
 24 recommendations in regard to fire prevention, fire
 25 protection, and ~~to the~~ public safety;

1 ~~(3)(c) Inspect inspect~~ public, business, or industrial
 2 buildings and require conformance to law or rules
 3 promulgated under the provisions of this ~~act~~ chapter;

4 (d) direct local fire and law enforcement authorities
 5 in arson investigations and supervise such investigations
 6 when, in his judgment, supervision is necessary;

7 (e) review all training programs on investigation of
 8 accidental and incendiary fires and coordinate such training
 9 when advisable in the judgment of the state fire marshal;

10 (f) provide fire prevention and fire protection
 11 information to public officials and the general public;

12 (g) encourage and assist local fire authorities in
 13 fire prevention programs and adopt standards and implement a
 14 program to encourage fire departments to meet such
 15 standards;

16 (h) be the state entity primarily responsible for
 17 promoting the fire safety of the state's CITIZENRY, AND TO
 18 REPRESENT THE STATE IN STRUCTURAL fire matters;

19 (i) encourage coordination of all services and
 20 agencies in structural fire matters to reduce duplication
 21 and fill voids in services;

22 (j) establish rules concerning responsibilities and
 23 procedures to be followed when there is a threat of
 24 explosive material in a building housing state offices; and

25 ~~(4)(k) Be do~~ all things necessary and convenient for

1 carrying into effect the fire prevention laws of this state
2 ~~governing this act and may, adopt necessary rules for~~
3 ~~safeguarding lives and property from the hazards of fire and~~
4 ~~explosion. Rules shall be adopted as prescribed in the~~
5 ~~"Montana Administrative Procedure Act". If fire prevention~~
6 ~~rules are violated, the fire marshal may maintain an action~~
7 ~~to enjoin the use of all or a portion of a building or~~
8 ~~facility, or restrain a specific activity, until there is~~
9 ~~compliance with the rules.~~

10 (2) The state fire marshal may:

11 (a) adopt rules necessary for safeguarding life and
12 property from the hazards of fire and explosion; and

13 (b) if necessary to safeguard life and property under
14 rules promulgated pursuant to this section, maintain an
15 action to enjoin the use of all or a portion of a building
16 or restrain a specific activity until there is compliance
17 with the rules.

18 ~~(5) Rules relating to building and equipment standards~~
19 ~~covered by the state or a municipal building code are~~
20 ~~effective after approval by the department of administration~~
21 ~~and filing with the secretary of state.~~

22 (3) Rules shall be adopted as prescribed in the
23 Montana Administrative Procedure Act."

24 Section 3. Repealer. Section 82A-1208, R.C.M. 1947, is
25 repealed.

-End-

April 5, 1977

SENATE
STANDING COMMITTEE REPORT
State Administration Committee

That House Bill No. 90, third reading, be amended as follows:

1. Amend page 4, section 2, line 4.

Following: "(d)"

Strike: "direct"

Insert: "assist"

2. Amend page 4, section 2, lines 5 and 6.

Following: "investigations"

Strike: "and supervise such investigations when, in his judgment, supervision is necessary"

3. Amend page 4, section 2, lines 8 and 9.

Following: "fires"

Strike: "and coordinate such training when advisable in the judgment of the state fire marshall"

4. Amend page 4, section 2, line 17.

Following: "promoting"

Strike: "the"

Following: "safety"

Strike: "of the state's CITIZENRY"

Insert: "at the state level"

5. Amend page 4, section 2, lines 24 through line 1 on page 5.

Following: "offices"

Strike: lines 24 through line 1 on page 5 in their entirety

6. Amend page 5, section 2, lines 11 and 12.

Following: "for"

Strike: "safeguarding life and property from the hazards of fire and explosion"

Insert: "carrying into effect the fire prevention laws of this state"

7. Amend page 5, section 2, line 21.

Following: line 21

Insert: "(3) Rules relating to building and equipment standards covered by the state or a municipal building code are effective after approval by the department of administration and filing with the secretary of state."

Renumber: subsequent subsection

HOUSE BILL NO. 90

INTRODUCED BY ROBBINS, GILLIGAN, BERTELSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY CERTAIN LAWS GOVERNING THE FIRE MARSHAL BUREAU; DIRECTING ESTABLISHMENT OF A FIRE MARSHAL ADVISORY COUNCIL; AMENDING SECTIONS 82-1201 AND 82-1202, R.C.M. 1947; AND REPEALING SECTION 82A-1208, R.C.M. 1947."

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

Section 1. Section 82-1201, R.C.M. 1947, is amended to read as follows:

~~"82-1201. Creation of office of state fire marshal -- fire prevention advisory commission. (1) There is an office of state fire marshal, a fire marshal bureau in the department of justice which is under the supervision and control of the commissioner of insurance attorney general.~~

(2) The state ~~chief of the~~ fire marshal bureau shall be appointed by the ~~commissioner of insurance attorney general~~ and shall serve at his pleasure. ~~The chief of the fire marshal bureau is the state fire marshal.~~

(3) A person appointed state fire marshal shall have:

(a) have at least ~~ten (10)~~ years of progressively responsible experience in fire protection; or

(b) a 2-year associate degree in fire protection

engineering from a recognized institution of higher education and ~~two (2)~~ years' experience in fire protection; or

(c) a degree from a recognized institution of higher education in fire protection engineering or fire protection technology.

~~(4) Not later than thirty (30) days after this act becomes effective the commissioner of insurance shall appoint a fire prevention advisory commission composed of the following members:~~

~~(a) One person representing the fire insurance industry whose initial term shall be for one (1) year;~~

~~(b) One person representing industry whose initial term shall be for one (1) year;~~

~~(c) One person representing full-time paid fire departments whose initial term shall be for two (2) years;~~

~~(d) One person representing volunteer fire departments whose initial term shall be for two (2) years;~~

~~(e) One person representing architects of the state whose initial term shall be for three (3) years;~~

~~(f) One person representing the public whose initial term shall be for four (4) years;~~

~~(g) The commissioner of insurance;~~

~~After termination of the initial term all members shall be appointed for four (4) year terms. Appointed~~

1 ~~members of the commission shall be reimbursed for meetings~~
2 ~~at the rate of twenty dollars (\$20) per day plus actual~~
3 ~~expenses including mileage, food, and lodging. The~~
4 ~~commissioner of insurance shall serve as chairman and the~~
5 ~~state fire marshal shall serve as secretary of the~~
6 ~~commission.~~

7 (4) The attorney general shall create a fire marshal
8 advisory council in accordance with procedures provided in
9 82A-110.

10 Section 2. Section 82-1202, R.C.M. 1947, is amended to
11 read as follows:

12 "82-1202. Powers and duties of the state fire marshal.

13 (1) The ~~For the purpose of reducing the state's fire loss,~~
14 ~~the state fire marshal shall:~~

15 ~~(1)(a) Make~~ make at least one inspection during every
16 a year of each state institution and submit a copy of the
17 report to the state department of institutions with
18 recommendations in regard to fire prevention, fire
19 protection, and to the public safety;

20 ~~(2)(b) Make~~ make at least one inspection during every
21 a year of each unit of the Montana university system and
22 submit a copy of the report to the ~~executive secretary of~~
23 ~~the university system~~ commissioner of higher education with
24 recommendations in regard to fire prevention, fire
25 protection, and to the public safety;

1 ~~(3)(c) inspect~~ inspect public, business, or industrial
2 buildings and require conformance to law or rules
3 promulgated under the provisions of this ~~act~~ chapter;

4 ~~(d) direct~~ ASSIST local fire and law enforcement
5 ~~authorities in arson investigations and supervise such~~
6 ~~investigations when in his judgment supervision is~~
7 ~~necessary;~~

8 ~~(e) review all training programs on investigation of~~
9 ~~accidental and incendiary fires and coordinate such training~~
10 ~~when advisable in the judgment of the state fire marshal;~~

11 ~~(f) provide fire prevention and fire protection~~
12 ~~information to public officials and the general public;~~

13 ~~(g) encourage and assist local fire authorities in~~
14 ~~fire prevention programs and adopt standards and implement a~~
15 ~~program to encourage fire departments to meet such~~
16 ~~standards;~~

17 ~~(h) be the state entity primarily responsible for~~
18 ~~promoting the fire safety of the state's~~ ~~EXISTING~~ AT THE
19 STATE LEVEL, AND TO REPRESENT THE STATE IN STRUCTURAL fire
20 matters;

21 ~~(i) encourage coordination of all services and~~
22 ~~agencies in structural fire matters to reduce duplication~~
23 ~~and fill voids in services;~~

24 ~~(j) establish rules concerning responsibilities and~~
25 ~~procedures to be followed when there is a threat of~~

1 ~~explosive material in a building housing state offices--and~~
 2 ~~{4}{k} Do do--all--things--necessary--and--convenient--for~~
 3 ~~carrying--into--effect--the--fire--prevention--laws--of--this--state~~
 4 ~~governing--this--act--and--may--adopt--necessary--rules--for~~
 5 ~~safeguarding--lives--and--property--from--the--hazards--of--fire--and~~
 6 ~~explosions--Rules--shall--be--adopted--as--prescribed--in--the~~
 7 ~~"Montana--Administrative--Procedure--Act"--if--fire--prevention~~
 8 ~~rules--are--violated,--the--fire--marshal--may--maintain--an--action~~
 9 ~~to--enjoin--the--use--of--all--or--a--portion--of--a--building--or~~
 10 ~~facility,--or--restrain--a--specific--activity,--until--there--is~~
 11 ~~compliance--with--the--rules.~~

12 {2} The state fire marshal may:
 13 {a} adopt rules necessary for safeguarding life and
 14 property from the hazards of fire and explosion CARRYING
 15 INTO EFFECT THE FIRE PREVENTION LAWS OF THIS STATE; and

16 {b} if necessary to safeguard life and property under
 17 rules promulgated pursuant to this section, maintain an
 18 action to enjoin the use of all or a portion of a building
 19 or restrain a specific activity until there is compliance
 20 with the rules.

21 ~~{5}--Rules--relating--to--building--and--equipment--standards~~
 22 ~~covered--by--the--state--or--a--municipal--building--code--are~~
 23 ~~effective--after--approval--by--the--department--of--administration~~
 24 ~~and--filing--with--the--secretary--of--state.~~

25 {3} RULES RELATING TO BUILDING AND EQUIPMENT STANDARDS

1 COVERED BY THE STATE OR A MUNICIPAL BUILDING CODE ARE
 2 EFFECTIVE AFTER APPROVAL BY THE DEPARTMENT OF ADMINISTRATION
 3 AND FILING WITH THE SECRETARY OF STATE.

4 {3}{4} Rules shall be adopted as prescribed in the
 5 Montana Administrative Procedure Act."

6 Section 3. Repealer. Section 82A-1208, R.C.M. 1947, is
 7 repealed.

-End-

1 HOUSE BILL NO. 90
 2 INTRODUCED BY ROBBINS, GILLIGAN, BERTELSEN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
 5 CERTAIN LAWS GOVERNING THE FIRE MARSHAL BUREAU; DIRECTING
 6 ESTABLISHMENT OF A FIRE MARSHAL ADVISORY COUNCIL; AMENDING
 7 SECTIONS 82-1201 AND 82-1202, R.C.M. 1947; AND REPEALING
 8 SECTION 82A-1208, R.C.M. 1947."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 82-1201, R.C.M. 1947, is amended to
 12 read as follows:

13 ~~"82-1201. Creation of office of state fire~~ Fire
 14 ~~marshal -- fire prevention advisory commission. (1) There~~
 15 ~~is an office of state fire marshal~~ a fire marshal bureau in
 16 the department of justice which is under the supervision and
 17 control of the ~~commissioner of insurance~~ attorney general.

18 (2) The ~~state chief of the~~ fire marshal ~~bureau~~ shall
 19 be appointed by the ~~commissioner of insurance~~ attorney
 20 general and shall serve at his pleasure. ~~The chief of the~~
 21 fire marshal bureau is the state fire marshal.

22 (3) A person appointed state fire marshal shall have:

- 23 (a) ~~have~~ at least ~~ten~~ ~~{10}~~ years of progressively
- 24 responsible experience in fire protection; or
- 25 (b) a 2-year associate degree in fire protection

1 engineering from a recognized institution of higher
 2 education and ~~two~~ ~~{2}~~ years' experience in fire protection;
 3 or
 4 (c) a degree from a recognized institution of higher
 5 education in fire protection engineering or fire protection
 6 technology.
 7 ~~{4} Not later than thirty {30} days after this act~~
 8 ~~becomes effective the commissioner of insurance shall~~
 9 ~~appoint a fire prevention advisory commission composed of~~
 10 ~~the following members:~~
 11 ~~{a} One person representing the fire insurance~~
 12 ~~industry whose initial term shall be for one {1} year;~~
 13 ~~{b} One person representing industry whose initial~~
 14 ~~term shall be for one {1} year;~~
 15 ~~{c} One person representing full-time paid fire~~
 16 ~~departments whose initial term shall be for two {2} years;~~
 17 ~~{d} One person representing volunteer fire departments~~
 18 ~~whose initial term shall be for two {2} years;~~
 19 ~~{e} One person representing architects of the state~~
 20 ~~whose initial term shall be for three {3} years;~~
 21 ~~{f} One person representing the public whose initial~~
 22 ~~term shall be for four {4} years;~~
 23 ~~{g} The commissioner of insurance;~~
 24 ~~After termination of the initial terms of all members~~
 25 ~~shall be appointed for four {4} year terms. Appointed~~

1 ~~members of the commission shall be reimbursed for meetings~~
 2 ~~at the rate of twenty dollars (\$20) per day plus actual~~
 3 ~~expenses including mileage, food, and lodging. The~~
 4 ~~commissioner of insurance shall serve as chairman and the~~
 5 ~~state fire marshal shall serve as secretary of the~~
 6 ~~commission.~~

7 (4) The attorney general shall create a fire marshal
 8 advisory council in accordance with procedures provided in
 9 82A-110.

10 Section 2. Section 82-1202, R.C.M. 1947, is amended to
 11 read as follows:

12 "82-1202. Powers and duties of the state fire marshal.

13 (1) The ~~For the purpose of reducing the state's fire loss,~~
 14 ~~the state fire marshal shall:~~

15 ~~(a) Make~~ make at least one inspection during every
 16 a year of each state institution and submit a copy of the
 17 report to the state department of institutions with
 18 recommendations in regard to fire prevention, fire
 19 protection, and to the public safety;

20 ~~(b) Make~~ make at least one inspection during every
 21 a year of each unit of the Montana university system and
 22 submit a copy of the report to the ~~executive secretary of~~
 23 ~~the university system~~ commissioner of higher education with
 24 recommendations in regard to fire prevention, fire
 25 protection, and to the public safety;

1 ~~(c) inspect~~ inspect public, business, or industrial
 2 buildings and require conformance to law or rules
 3 promulgated under the provisions of this ~~act~~ chapter;

4 ~~(d) direct~~ ASSIST local fire and law enforcement
 5 authorities in arson investigations and supervise such
 6 investigations when in his judgment supervision is
 7 necessary AND SUPERVISE SUCH INVESTIGATIONS WHEN, IN HIS
 8 JUDGMENT, SUPERVISION IS NECESSARY;

9 ~~(e) review all training programs on investigation of~~
 10 ~~accidental and incendiary fires and coordinate such training~~
 11 ~~when advisable in the judgment of the state fire marshal;~~

12 ~~(f) provide fire prevention and fire protection~~
 13 ~~information to public officials and the general public;~~

14 ~~(g) encourage and assist local fire authorities in~~
 15 ~~fire prevention programs and adopt standards and implement a~~
 16 ~~program to encourage fire departments to meet such~~
 17 ~~standards;~~

18 ~~(h) be the state entity primarily responsible for~~
 19 ~~promoting the fire safety of the state's~~ CITIZENRY AT THE
 20 STATE LEVEL, AND TO REPRESENT THE STATE IN STRUCTURAL fire
 21 matters;

22 ~~(i) encourage coordination of all services and~~
 23 ~~agencies in structural fire matters to reduce duplication~~
 24 ~~and fill voids in services;~~

25 ~~(j) establish rules concerning responsibilities and~~

1 ~~procedures to be followed when there is a threat of~~
 2 ~~explosive material in a building housing state offices~~ and
 3 ~~(4)(k) To do all things necessary and convenient for~~
 4 ~~carrying into effect the fire prevention laws of this state~~
 5 ~~governing this act and may adopt necessary rules for~~
 6 ~~safeguarding lives and property from the hazards of fire and~~
 7 ~~explosions. Rules shall be adopted as prescribed in the~~
 8 ~~"Montana Administrative Procedure Act" if fire prevention~~
 9 ~~rules are violated, the fire marshal may maintain an action~~
 10 ~~to enjoin the use of all or a portion of a building or~~
 11 ~~facility, or restrain a specific activity, until there is~~
 12 ~~compliance with the rules.~~

13 (2) The state fire marshal may:
 14 (a) adopt rules necessary for safeguarding life and
 15 property from the hazards of fire and explosion CARRYING
 16 INTO EFFECT THE FIRE PREVENTION LAWS OF THIS STATE
 17 SAFEGUARDING LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND
 18 EXPLOSION AND CARRYING INTO EFFECT THE FIRE PREVENTION LAWS
 19 OF THIS STATE; and

20 (b) if necessary to safeguard life and property under
 21 rules promulgated pursuant to this section, maintain an
 22 action to enjoin the use of all or a portion of a building
 23 or restrain a specific activity until there is compliance
 24 with the rules.

25 ~~(5) Rules relating to building and equipment standards~~

1 ~~covered by the state or a municipal building code are~~
 2 ~~effective after approval by the department of administration~~
 3 ~~and filing with the secretary of state.~~

4 (3) RULES RELATING TO BUILDING AND EQUIPMENT STANDARDS
 5 COVERED BY THE STATE OR A MUNICIPAL BUILDING CODE ARE
 6 EFFECTIVE AFTER APPROVAL BY THE DEPARTMENT OF ADMINISTRATION
 7 AND FILING WITH THE SECRETARY OF STATE.

8 ~~(4) Rules shall be adopted as prescribed in the~~
 9 ~~Montana Administrative Procedure Act."~~

10 Section 3. Repealer. Section 82A-1208, R.C.M. 1947, is
 11 repealed.

-End-