

1 *House* BILL NO. *570*  
 2 INTRODUCED BY *W. Bath Broad Memorial Bill*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 82-1202, R.C.M. 1947, RELATING TO THE POWERS OF THE STATE  
 6 FIRE MARSHALL; AND REPEALING SECTION 82-1202.2, R.C.M.  
 7 1947."  
 8

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

10 Section 1. Section 82-1202, R.C.M. 1947, is amended to  
 11 read as follows:

12 "82-1202. Powers of the state fire marshal. The state  
 13 fire marshal shall:

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

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

24 (3) Inspect public, business, or industrial buildings  
 25 and require conformance to law or rules promulgated under

1 the provisions of this act.

2 (4) 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 explosion ~~after consultation with the fire prevention~~  
 7 ~~advisory commission and approval by the commissioner of~~  
 8 ~~insurance. No rule shall become effective until after a~~  
 9 ~~public hearing held in the manner described in section~~  
 10 ~~82-1202.2, R.C.M., 1947. Rules shall be adopted as~~  
 11 ~~prescribed in the "Montana Administrative Procedure Act".~~

12 If fire prevention rules are violated, the fire marshal may  
 13 maintain an action to enjoin the use of all or a portion of  
 14 a building or facility, or restrain a specific activity,  
 15 until there is compliance with the rules.

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

20 Section 2. Section 82-1202.2, R.C.M. 1947, is  
 21 repealed.

-End-

*HB 570*

Approved by Committee  
on State Administration

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-End-

SECOND READING

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INTRODUCED BY *W. Bath Grand Menahan Zilber*

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(2) Make at least one inspection during every year, of each unit of the Montana university system, and submit a copy of the report to the executive secretary of the university system with recommendations in regard to fire prevention, fire protection and to the public safety.

(3) Inspect public, business, or industrial buildings and require conformance to law or rules promulgated under

the provisions of this act.

(4) Do all things necessary and convenient for carrying into effect the fire prevention laws of this state governing this act and may, adopt necessary rules for safeguarding lives and property from the hazards of fire and explosion after consultation with the fire prevention advisory commission and approval by the commissioner of insurance. No rule shall become effective until after a public hearing held in the manner described in section 82-1202.2, R.C.M., 1947. Rules shall be adopted as prescribed in the "Montana Administrative Procedure Act".

If fire prevention rules are violated, the fire marshal may maintain an action to enjoin the use of all or a portion of a building or facility, or restrain a specific activity, until there is compliance with the rules.

(5) 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."

Section 2. Section 82-1202.2, R.C.M. 1947, is repealed.

-End-

-2- HB 570

HOUSE BILL NO. 570

INTRODUCED BY BAETH, BRAND,

MENAHAN, QUILICI

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