

1 H. BILL NO. 430
 2 INTRODUCED BY *L. Huich - FAGEF - Bradley Kelly*
 3 *Kirk Hoge*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING AND REVISING
 5 THE PROVISION DEALING WITH ADOPTION OF THE STATE BUILDING
 6 CODE, FIXING DATES BY WHICH ENERGY CONSERVATION RULES MUST
 7 BE DRAFTED, HEARD, ADOPTED, PUBLISHED, AND IMPLEMENTED;
 8 AMENDING SECTION 69-2111, R.C.M. 1947."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 69-2111, R.C.M. 1947, is amended to
 12 read as follows:
 13 "69-2111. Adoption of rules by department. (1) The
 14 department shall adopt ~~by reference nationally recognized~~
 15 ~~building codes in whole or in part and repeat~~ rules
 16 relating to the construction of ~~all buildings or classes of~~
 17 ~~buildings~~ or the installation of equipment in those
 18 buildings, and may ~~by rule~~ prescribe standards or
 19 requirements for materials to be used in all buildings or
 20 classes of buildings, including provisions dealing with
 21 safety, sanitation, and conservation of energy. The
 22 department may adopt by reference nationally recognized
 23 building codes in whole or in part, but this does not
 24 prevent the department from adopting rules more stringent
 25 than those contained in such codes. The rules, when adopted

1 as provided in this chapter, constitute the "state building
 2 code" ~~and shall be acceptable for the buildings to which it~~
 3 ~~is applicable. The department may amend or repeal such~~
 4 rules.
 5 (2) The department may hold hearings relating to the
 6 administration of this act in accordance with the Montana
 7 Administrative Procedure Act.
 8 (3) Except as provided in subsection (4) of this
 9 section, no rule and no amendment or repeal of the state
 10 building code shall take effect until after a public hearing
 11 by the department.
 12 (4) If a hearing has been held by the department of
 13 justice with respect to its duties contained in Title 82,
 14 chapter 12, the board of plumbers, the department of health
 15 and environmental sciences, board of warm air heating,
 16 ventilation, and air conditioning, or state electrical
 17 board, on a proposed rule relating to building and equipment
 18 standards in their respective fields, a public hearing by
 19 the department is not required. The proposed rule is
 20 effective upon approval of the department and filing with
 21 the secretary of state as a part of the state building code.
 22 (5) If a rule relating to building or equipment
 23 standards is proposed by the department of justice with
 24 respect to its duties contained in Title 82, chapter 12,
 25 board of plumbers, department of health and environmental

INTRODUCED BILL

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1 sciences, board of warm air heating, ventilation, and air
2 conditioning, or state electrical board which conflicts with
3 the state building code, the department shall modify the
4 proposed rule or the state building code to resolve the
5 conflict after consultation with the state agencies
6 affected."

7 Section 2. There is a new R.C.M. section that reads as
8 follows:

9 Energy conservation rules -- when to be drafted, heard,
10 published, and implemented. (1) The department shall draft
11 the rules required by 69-2110 and 69-2111 relating to energy
12 conservation by September 30, 1977.

13 (2) Hearings on such rules shall be held in December
14 of 1977 with notice as provided in the Montana
15 Administrative Procedure Act.

16 (3) Such rules shall be adopted and published by
17 February 28, 1978, and implementation shall be initiated
18 immediately upon publication.

19 Section 3. Effective date. This act is effective on
20 passage and approval.

-End-

Approved by Committee
on Natural Resources

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19 Section 3. Effective date. This act is effective on
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March 8, 1977

STANDING COMMITTEE REPORT
Senate Committee on Business & Industry

That House Bill No. 430 be amended as follows:

1. Amend page 3, section 3, lines 19 and 20.
Following: line 18
Strike: section 3 in its entirety

March 11, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 430 be amended as follows:

1. Amend page 2, section 1, line 3.

Following: "applicable"

Insert: "and shall be acceptable for the buildings to which it
is applicable"