

1 *Senate* BILL NO. *401*
 2 INTRODUCED BY *Joe Flynn*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS REGARDING BUILDING
 6 CODES; PROVIDING FOR PROMULGATION OF CODES BY THE DEPARTMENT
 7 OF ADMINISTRATION; AMENDING SECTIONS 66-2416, 66-2417,
 8 66-2427, 66-2802, 66-2805.1, 69-2105, 69-2111, 69-2112,
 9 69-2124, 75-8206, 75-8207, 82-1201, 82-1202, 82-1202.1,
 10 82-1208, 82-1229, 82-1232, AND 82A-1607, R.C.M. 1947; AND
 11 REPEALING SECTIONS 69-4117 AND 69-5507, R.C.M. 1947."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 69-2105, R.C.M. 1947, is amended to
 15 read as follows:

16 "69-2105. Definitions. As used in this chapter, unless
 17 the context requires otherwise:

18 (1) "Municipality" means any incorporated city or town
 19 and its jurisdictional area as defined by subsection (12) of
 20 this section.

21 (2) "Building regulations" means any law, rule,
 22 resolution, regulation, ordinance, or code, general or
 23 special, or compilation thereof enacted or adopted by the
 24 state or any municipality, including departments, boards,
 25 bureaus, commissions, or other agencies of the state or a

1 municipality relating to the design, construction,
 2 reconstruction, alteration, conversion, repair inspection,
 3 or use of buildings and installation of equipment in
 4 buildings. The term does not include zoning ordinances.

5 (3) "Department" means the department of
 6 administration provided for in Title 82A, chapter 2.

7 (4) "Local building department" means the agency or
 8 agencies of any municipality charged with the
 9 administration, supervision, or enforcement of building
 10 regulations, approval of plans, inspection of buildings, or
 11 the issuance of permits, licenses, certificates and similar
 12 documents, prescribed or required by state or local building
 13 regulations.

14 (5) "State agency" means any state officer,
 15 department, board, bureau, commission, or other agency of
 16 this state.

17 (6) "Building" means a combination of any materials,
 18 whether mobile, portable, or fixed to form a structure and
 19 the related facilities for the use or occupancy by persons,
 20 or property. The word "building" shall be construed as
 21 though followed by the words "or part or parts thereof."

22 (7) "Equipment" means plumbing, heating, electrical,
 23 ventilating, air conditioning, and refrigerating equipment,
 24 elevators, dumb-waiters, escalators, and other mechanical
 25 additions or installations.

1 (8) "Construction" means the original construction,
2 and equipment of buildings, and requirements or standards
3 relating to or affecting materials used including provisions
4 for safety and sanitary conditions.

5 (9) "Owner" means the owner or owners of the premises
6 or lesser estate, a mortgagee or vendee in possession,
7 assignee of rents, receiver, executor, trustee, lessee or
8 other person, firm, or corporation, in control of a
9 building.

10 (10) "Local legislative body" means the council or
11 commission charged with governing the municipality.

12 (11) "State building code" means the state building
13 code provided for in section 69-2111 or any portion of the
14 code of limited application, and any of its modifications or
15 amendments.

16 (12) "Municipal jurisdictional area" means the area
17 within the limits of an incorporated municipality unless the
18 area is extended at the written request of a municipality.
19 Upon request the council may approve extension of the
20 jurisdictional area to include: (a) all or part of the area
21 within ~~four-and-one-half~~ {4 1/2} miles of the corporate
22 limits of a municipality; (b) all of any platted subdivision
23 which is partially within ~~four-and-one-half~~ {4 1/2} miles of
24 the corporate limits of a municipality; and (c) all of any
25 zoning district adopted pursuant to Title 16, chapter 41 or

1 47, R.C.M. 1947, which is partially within ~~four-and-one-half~~
2 {4 1/2} miles of the corporate limits of a municipality.
3 Distances shall be measured in a straight line in a
4 horizontal plane.

5 (13) "Public place" means any place which a
6 municipality or state maintains for the use of the public,
7 or a place where the public has a right to go and be.

8 ~~{14} "Mobile home" means anything defined as a mobile
9 home in the edition of National Fire Protection Association
10 (NFPA) No. 501B or American National Standards Institute
11 (ANSI) A119.1 most recently adopted by the state in
12 accordance with section 69-2122.~~

13 ~~{15} {14} "Recreational vehicle" means anything defined
14 as a recreational vehicle in the edition of NFPA No. 501C or
15 ANSI A119.2 most recently adopted by the state in accordance
16 with section 69-2122."~~

17 Section 2. Section 69-2111, R.C.M. 1947, is amended to
18 read as follows:

19 "69-2111. Adoption of rules by department. (1) The
20 department shall adopt by reference nationally recognized
21 building codes in whole or in part, amend and repeal rules
22 relating to the construction of all buildings or classes of
23 buildings or the installation of equipment in those
24 buildings, and may by rule prescribe standards or
25 requirements for materials to be used in buildings including

1 provisions dealing with safety, sanitation and conservation
2 of energy. The rules, when adopted as provided in this
3 chapter, constitute the "state building code" and shall be
4 acceptable for the buildings to which it is applicable.

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~~

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 3. Section 69-2112, R.C.M. 1947, is amended to
8 read as follows:

9 "69-2112. Municipal building codes -- applicability of
10 state code. (1) The local legislative body of a
11 municipality or county may adopt a municipal building code
12 by ordinance to apply to the municipal or county
13 jurisdictional area. ~~A municipal building code shall require~~
14 ~~standards equal to those of the state building code or~~
15 ~~higher standards. A municipal building code must cover all~~
16 ~~general areas included in the state building code. A~~
17 municipal or county building code may include only codes
18 adopted by the department.

19 (2) If a municipality or county does not adopt a
20 municipal building code as provided in subsection (1) of
21 this section, the state building code applies within the
22 municipal or county jurisdictional area and the state will
23 enforce the code in these areas.

24 (3) ~~The department shall determine whether a municipal~~
25 ~~building code has standards equal to those of the state~~

1 ~~building code or higher standards and notify municipalities~~
 2 ~~immediately if any municipal standards are below the state~~
 3 ~~standards. A county or municipality may not enforce a~~
 4 ~~building code unless the code adopted and a plan for~~
 5 ~~enforcement of the code have been approved by the~~
 6 ~~department.~~

7 (4) ~~If a municipal code is adopted, a copy of the code~~
 8 ~~and any amendments to the code shall be filed with the~~
 9 ~~department. The department shall set forth rules and~~
 10 ~~standards governing the certification of municipal and~~
 11 ~~county building code programs as required in subsection~~
 12 ~~(3).~~

13 Section 4. Section 69-2124, R.C.M. 1947, is amended to
 14 read as follows:

15 "69-2124. Fees. The department shall establish a
 16 schedule of fees for ~~the inspection of plans and~~
 17 ~~specifications for mobile homes or recreational vehicles and~~
 18 ~~for the inspection of individual units and may collect fees~~
 19 ~~for the inspection of plans and specifications and for the~~
 20 ~~inspection of buildings, factory-built buildings,~~
 21 ~~recreational vehicles, tramways, or any other facility or~~
 22 ~~structure. The department may utilize independent testing~~
 23 ~~laboratories or the agencies of other states to determine if~~
 24 ~~approved models of mobile homes, factory-built buildings, or~~
 25 ~~recreational vehicles are being constructed in accordance~~

1 with the approved plans and specifications for said models."

2 Section 5. Section 82-1201, R.C.M. 1947, is amended to
 3 read as follows:

4 "82-1201. ~~Creation of office of state fire~~ Fire
 5 ~~marshal bureau -- fire prevention advisory commission.~~

6 (1) ~~There is an office of state a fire marshal bureau,~~
 7 ~~which is under the supervision and control of the~~
 8 ~~commissioner of insurance within the department of~~
 9 ~~administration.~~

10 (2) ~~The state fire marshal shall be appointed by the~~
 11 ~~commissioner of insurance and shall serve at his pleasure~~
 12 ~~employed by the department of administration.~~

13 (3) ~~A person appointed~~ employed as state fire marshal
 14 shall:

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

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

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

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

1 ~~the following members:~~

2 ~~(a) One person representing the fire insurance~~

3 ~~industry whose initial term shall be for one (1) year~~

4 ~~(b) One person representing industry whose initial~~

5 ~~term shall be for one (1) year~~

6 ~~(c) One person representing full-time paid fire~~

7 ~~departments whose initial term shall be for two (2) years~~

8 ~~(d) One person representing volunteer fire departments~~

9 ~~whose initial term shall be for two (2) years~~

10 ~~(e) One person representing architects of the state~~

11 ~~whose initial term shall be for three (3) years~~

12 ~~(f) One person representing the public whose initial~~

13 ~~term shall be for four (4) years~~

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

15 ~~After termination of the initial term, all members~~

16 ~~shall be appointed for four (4) year terms. Appointed~~

17 ~~members of the commission shall be reimbursed for meetings~~

18 ~~at the rate of twenty dollars (\$20) per day plus actual~~

19 ~~expenses including mileage, food, and lodging. The~~

20 ~~commissioner of insurance shall serve as chairman, and the~~

21 ~~state fire marshal shall serve as secretary of the~~

22 ~~commission.~~

23 Section 6. Section 82-1202, R.C.M. 1947, is amended to

24 read as follows:

25 "82-1202. Powers of the state fire marshal. The state

1 fire marshal shall:

2 (1) Make at least one inspection during every year, of

3 each state institution, and submit a copy of the report to

4 the state department of institutions with recommendations in

5 regard to fire prevention, fire protection and to the public

6 safety.

7 (2) Make at least one inspection during every year, of

8 each unit of the Montana university system, and submit a

9 copy of the report to the executive secretary of the

10 university system with recommendations in regard to fire

11 prevention, fire protection and to the public safety.

12 (3) Inspect public, business, or industrial buildings

13 and require conformance to law or rules promulgated under

14 the provisions of this act.

15 (4) Do all things necessary and convenient for

16 carrying into effect the fire prevention laws of this state

17 governing this act and may, adopt necessary rules for

18 safeguarding lives and property from the hazards of fire and

19 explosion. Rules shall be adopted as prescribed in the

20 "Montana Administrative Procedure Act". If fire prevention

21 rules are violated, the fire marshal may maintain an action

22 to enjoin the use of all or a portion of a building or

23 facility, or restrain a specific activity, until there is

24 compliance 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 Section 7. Section 82-1202.1, R.C.M. 1947, is amended
 5 to read as follows:

6 "82-1202.1. Rules promulgated by state fire marshal --
 7 adoption of other standards -- providing for licensing --
 8 providing for a penalty for violation. (1) Rules promulgated
 9 by the state fire marshal by authority of ~~section~~ 82-1202
 10 ~~R.C.M. 1947~~ shall be reasonable and calculated to effect
 11 the purposes of this act. They shall include but not be
 12 limited to requirements for design, construction,
 13 installation, operation, storage, handling, maintenance or
 14 use of the following: ~~structural requirements for various~~
 15 ~~types of construction; building restrictions within~~
 16 ~~congested districts; exit facilities from structures; fire~~
 17 alarm systems and fire extinguishing systems; fire emergency
 18 drills; flue and chimney construction; heating devices;
 19 electrical wiring and equipment; air conditioning,
 20 ventilating and other duct systems; refrigeration systems;
 21 flammable liquids; oil and gas wells; application of
 22 flammable finishes; explosives, acetylene, liquefied
 23 petroleum gas and similar products; calcium carbide and
 24 acetylene generators; flammable motion picture film,
 25 combustible fibres; hazardous chemicals; rubbish, open flame

1 devices; parking of vehicles; dust explosions; lightning
 2 protection; and other special fire hazards.

3 (2) If rules relate to building and equipment
 4 standards covered by the state or a municipal building code,
 5 ~~the rules are effective upon approval of the department of~~
 6 ~~administration and filing with the secretary of state the~~
 7 rules shall be promulgated by the department of
 8 administration.

9 (3) Standards of the National Fire Protection
 10 Association, ~~United States Bureau of Standards~~ and American
 11 Insurance Association Standards may be adopted in whole or
 12 in part by reference.

13 (4) A natural person must obtain a certificate of
 14 registration from the state fire marshal prior to servicing
 15 or installing of fire extinguishers, fire alarm systems or
 16 fire extinguishing systems. A person or firm must obtain
 17 from the fire marshal a permit to sell or a license to
 18 install fire extinguishers, fire alarm systems, or fire
 19 extinguishing systems, prior to engaging in such business.

20 (a) Applications for licenses, permits or
 21 certificates, shall be made on a form prescribed by the
 22 state fire marshal. The fire marshal shall issue a license
 23 to an applicant who submits satisfactory proof that he is
 24 properly equipped and staffed to provide the services to be
 25 licensed, and who pays the required fee. The fire marshal

1 shall issue a certificate of registration to an applicant
 2 who scores a passing grade on an examination devised by the
 3 fire marshal, and who pays the required fee. The fire
 4 marshal shall issue a sales permit to an applicant who
 5 submits the information required by the fire marshal on the
 6 application form, who submits satisfactory proof that he
 7 deals only in equipment that meets the standards and
 8 regulations of the state fire marshal, and who pays the
 9 required fee.

10 (b) The state fire marshal may conduct inspections,
 11 examinations or hearings prior to the issuance of licenses,
 12 permits or certificates. The state fire marshal may revoke,
 13 suspend or refuse to issue a license, permit or certificate
 14 for violation of the provisions of this chapter or any rules
 15 and regulations promulgated by the fire marshal under
 16 applicable law.

17 (c) The state fire marshal or his representative shall
 18 charge a fee, not to exceed a total of ~~twenty-five dollars~~
 19 ~~{ \$25 }~~ for the inspection and issuance of licenses, permits
 20 and certificates.

21 (d) All fees collected under this section shall be
 22 paid into the general fund.

23 (5) Any person violating any rule made under the
 24 provisions of this section shall be guilty of a
 25 misdemeanor."

1 Section 8. Section 82-1208, R.C.M. 1947, is amended to
 2 read as follows:

3 "82-1208. Special deputy fire marshals -- acting fire
 4 marshal -- fire marshal's employees. (1) In an emergency,
 5 or during the absence or disability of the state fire
 6 marshal, the ~~attorney-general~~ director of the department of
 7 administration may appoint an acting fire marshal, who shall
 8 perform the duties of the office, or any duty which may be
 9 assigned to him, such appointment to cease when the
 10 necessity therefor has been relieved.

11 (2) The state fire marshal may appoint special deputy
 12 state fire marshals throughout the state and define their
 13 duties. When performing these duties or attending a training
 14 course conducted by the state fire marshal, special deputy
 15 fire marshals may be paid at a rate not to exceed ~~forty~~
 16 ~~dollars--{ \$40 }~~ per day plus per diem allowance for expenses
 17 and mileage at the same rates specified for state employees.

18 (3) The fire marshal may appoint assistants and
 19 clerical employees to perform duties as specified by the
 20 marshal to assist in carrying out the duties assigned him by
 21 law."

22 Section 9. Section 82-1229, R.C.M. 1947, is amended to
 23 read as follows:

24 "82-1229. Annual reports to ~~commissioner of insurance~~
 25 the department of administration. The state fire marshal

1 shall make an annual report to the ~~commissioner of insurance~~
 2 ~~department of administration~~, containing a detailed
 3 statement of his official action and the transactions of his
 4 department ~~bureau~~. The ~~commissioner of insurance~~ director
 5 shall, in turn, submit said report to the governor of the
 6 state, with such recommendations and comments thereon as he
 7 may deem consider necessary."

8 Section 10. Section 82-1232, R.C.M. 1947, is amended
 9 to read as follows:

10 "82-1232. Powers of ~~commissioner of insurance~~
 11 ~~department of administration~~. The powers and authority
 12 granted by this act to the state fire marshal are also
 13 vested in the ~~commissioner of insurance~~ director of the
 14 department of administration."

15 Section 11. Section 66-2416, R.C.M. 1947, is amended
 16 to read as follows:

17 "66-2416. Minimum standards -- state plumbing code --
 18 fee for copy of code. ~~{1}~~ The ~~board~~ department of
 19 administration shall by rule prescribe minimum standards
 20 which are uniform and which are thereafter effective for all
 21 plumbing installations or maintenance, except where exempt
 22 by section 66-2426. ~~Upon approval of the department of~~
 23 ~~administration, department of health and environmental~~
 24 ~~sciences and the attorney general and upon publication, the~~
 25 ~~rules become the state plumbing code and have the force of~~

1 ~~law. A copy of the code shall be supplied to each person~~
 2 ~~licensed under sections 66-2401 through 66-2411 or any~~
 3 ~~other interested person, for an amount equal to the actual~~
 4 ~~current cost of the code plus postage.~~

5 ~~{2} Rules relating to building and equipment standards~~
 6 ~~covered by the state or a municipal building code are~~
 7 ~~effective after approval by the department of administration~~
 8 ~~and filing with the secretary of state."~~

9 Section 12. Section 66-2417, R.C.M. 1947, is amended
 10 to read as follows:

11 "66-2417. District court -- jurisdiction --
 12 restraining orders. The district court of any county has
 13 jurisdiction in equity, on application of the ~~board or the~~
 14 ~~department of health and environmental sciences~~ department
 15 of administration, to ~~enforce this act and to~~ restrain from
 16 connection any new plumbing installations, on finding, after
 17 hearing, that the plumbing is inferior to the standards of
 18 the state plumbing code."

19 Section 13. Section 66-2427, R.C.M. 1947, is amended
 20 to read as follows:

21 "66-2427. Permit fee -- payment -- penalties. (1) It
 22 is unlawful for any person to engage in the business, trade,
 23 or work having to do with the installation, removal,
 24 alteration, or repair of plumbing and drainage systems or
 25 parts thereof without first obtaining a permit from the

1 ~~board-of-plumbers department of administration.~~

2 A separate permit shall be obtained for each building
3 or structure.

4 No person may allow any other person to do or cause to
5 be done any work under a permit secured by the permittee
6 except persons in his employ.

7 (2) No permit is required for any minor replacement or
8 repair work, the performance of which does not have a
9 significant potential for creating a condition hazardous to
10 public health and safety. No permit is required where the
11 installation is exempt under the provisions of section
12 66-2426 or 66-2401. Nothing contained in this act shall
13 prohibit the owner of residential property from making an
14 installation for all sanitary plumbing and potable water
15 supply piping without a permit providing he does the work
16 himself. The provisions of this act do not apply to
17 regularly employed maintenance personnel doing maintenance
18 work on the business premises of their employer unless work
19 is subject to the permit provisions of this act.

20 (3) Persons required by this section to apply for a
21 permit shall make application on forms provided by the board
22 ~~department of administration~~ or authorized representative.
23 He shall give a description of the character of the work
24 proposed to be done, and the location, ownership, occupancy
25 and use of the premises in connection therewith. The board

1 ~~of-plumbers department of administration~~ or its authorized
2 representative may require sketches, specifications or
3 drawings and such other information it deems necessary in
4 order to determine the scope of the work contemplated.

5 If the ~~board~~ ~~department of administration~~ determines
6 that the sketches, specifications, drawings, descriptions
7 and information furnished by the applicant are in compliance
8 with the state plumbing code, it shall issue the permit
9 applied for upon payment of the required fee as established
10 by the ~~board~~ ~~department of administration~~.

11 (4) Any person who commences any work for which a
12 permit is required without first obtaining a permit shall,
13 if subsequently permitted to obtain a permit, pay double the
14 permit fee for the work, except that this provision does not
15 apply to emergency work when it is proved to the
16 satisfaction of the ~~board-of-plumbers department of~~
17 ~~administration~~ or its authorized representative that the
18 work was urgently necessary and that it was not practical to
19 obtain a permit before the commencement of the work. In all
20 such cases, a permit shall be obtained as soon as it is
21 practical to do so, and if there is unreasonable delay in
22 applying for the permit, a double fee shall be charged.

23 For the purpose of this section, a sanitary plumbing
24 outlet on or to which a plumbing fixture or appliance may be
25 set or attached shall be construed to be a fixture. Fees

1 for reconnection and retest of plumbing systems in relocated
2 buildings shall be based on the number of plumbing fixtures,
3 gas systems, water heaters, and the like involved.

4 When a permit has been obtained to connect an existing
5 building or existing work to the public sewer or to connect
6 to a new private disposal facility, backfilling of private
7 sewage disposal facilities abandoned consequent to the
8 connection is included in the permit.

9 ~~The board of plumbers department of administration~~
10 shall establish permit fees in accordance with the Montana
11 Administrative Procedure Act and the fees shall be deposited
12 to the earmarked revenue fund of the ~~board of plumbers~~
13 ~~department of administration~~ for use in the administration
14 and enforcement of this act and the Montana state plumbing
15 code.

16 (5) All plumbing and drainage systems may be inspected
17 by the ~~board of plumbers department of administration~~ or
18 their authorized representative to insure compliance with
19 the requirements of the state plumbing code.

20 (6) It is the duty of the person doing work authorized
21 by the permit to notify the ~~board department of~~
22 ~~administration~~ orally or in writing, that the work is ready
23 for inspection. The notification shall be given not less
24 than ~~twenty-four~~ {24} hours before the work is to be
25 inspected.

1 It is the duty of the person doing the work authorized
2 by the permit to ensure that the work performed before
3 notification and after notification pending inspection
4 complies with the state plumbing code.

5 (7) Whenever any work is being done contrary to the
6 provisions of the state plumbing code, the ~~board department~~
7 ~~of administration~~ or its authorized representative may,
8 after a hearing conducted under the provisions of the
9 Montana Administrative Procedure Act, order work stopped by
10 notice in writing served on any person engaged in the work.

11 (8) The ~~board department of administration~~ may suspend
12 or revoke a permit, whenever it is issued in error or on the
13 basis of incorrect information supplied, or work performed
14 thereunder is in violation of any of the provisions of Title
15 66, chapter 24, ~~R.C.M. 1947.~~

16 Section 14. Section 66-2802, R.C.M. 1947, is amended
17 to read as follows:

18 "66-2802. Purpose. (1) The purpose of this act is to
19 protect the health and safety of the people of this state
20 from the danger of electrically caused shocks, fires, and
21 explosions; to protect property from the hazard of
22 electrically caused fires and explosions; to establish a
23 procedure for determining where and by whom electrical
24 installations are to be made; to assure the public that
25 persons making electrical installations are qualified; and

1 to insure that the electrical installations and electrical
 2 products made and sold in this state meet minimum safety
 3 standards. All installations in this state of wires and
 4 equipment to convey electric current and installations of
 5 apparatus to be operated by current, except as provided in
 6 section 66-2812, shall be made substantially in accord with
 7 ~~the National Electrical Code, as approved by the American~~
 8 ~~standards association, relating to this work as far as it~~
 9 ~~covers fire and personal injury hazards, and as the National~~
 10 ~~Electrical Code shall be amended. The standards as set forth~~
 11 ~~in the National Electrical Code shall be prima facie~~
 12 ~~evidence of minimum approved methods of construction for~~
 13 ~~safety to life and property. The affirmative vote of a~~
 14 ~~majority of all appointed members of the board shall be~~
 15 ~~required to set any standards that are more stringent than~~
 16 ~~those set forth in the National Electrical Code building~~
 17 codes adopted by the department of administration.

18 (2) Rules and standards relating to buildings and
 19 equipment covered by the state or a municipal building code
 20 are not effective until approved by the department of
 21 administration and filed with the secretary of state shall
 22 be promulgated by the department of administration."

23 Section 15. Section 66-2805.1, R.C.M. 1947, is amended
 24 to read as follows:

25 "66-2805.1. Department -- inspections -- tags.

1 (1) The department of administration shall make inspections
 2 of electrical installations, issue inspection tags for these
 3 installations, and establish and charge a reasonable and
 4 uniform fee for the inspections, which may not exceed the
 5 expense of providing the inspection.

6 (2) Individuals, firms, cooperatives, corporations, or
 7 municipalities selling electricity are power suppliers.
 8 Power suppliers may not connect with or energize an
 9 electrical installation, under this act, unless the owner or
 10 a licensed electrical contractor has delivered to the power
 11 supplier an inspection tag covering the installation, issued
 12 by the department of administration.

13 (3) Immediately after an installation has been
 14 energized, the power supplier shall deliver to the
 15 department of administration the inspection tag covering the
 16 installation.

17 (4) It is unlawful for a person, partnership, company,
 18 firm, association, or corporation, other than a power
 19 supplier, to energize an electrical installation under this
 20 act, unless an application for an inspection tag covering
 21 the installation, together with the inspection fee, has been
 22 forwarded to the department of administration."

23 Section 16. Section 82A-1607, R.C.M. 1947, is amended
 24 to read as follows:

25 "82A-1607. Electrical inspections and code making. The

1 functions of the department of law enforcement and public
 2 safety of making inspections of electrical installations and
 3 issuing tags and charging fees therefor as set forth in
 4 section 66-2805(c)(i) and of establishing an electrical code
 5 as set forth in section 66-2802(i), which were transferred
 6 to the department in section 82A-1203, are transferred to
 7 the department of professional and occupational licensing
 8 and the board of electricians, subject to the provisions of
 9 this act administration."

10 Section 17. Section 75-8206, R.C.M. 1947, is amended
 11 to read as follows:

12 "75-8206. Review and approval of school building plans
 13 and specifications. (1) No school building in the state,
 14 either publicly or privately owned or operated, shall be
 15 built, enlarged, remodeled, or repaired until the plans and
 16 specifications for such construction have been submitted to
 17 the state board of health and the state fire marshal, and
 18 such public agencies have endorsed their approval on such
 19 plans and specifications and approved by the department of
 20 administration.

21 (2) The plans and specifications shall show in detail
 22 the proposed construction of the building and shall
 23 illustrate and indicate conformity with the regulations of
 24 the board of health and of the state fire marshal. The plans
 25 and specifications shall be prepared in accordance with the

1 regulations of the board of health of the state of Montana
 2 the regulations of the Montana state fire marshal, and the
 3 building code promulgated by the state building code council
 4 rules promulgated by the department of administration.

5 (3) As a service to districts, the superintendent of
 6 public instruction shall may review the plans and
 7 specifications submitted to the board of health department
 8 of administration to assist the districts in designing
 9 facilities for optimum utilization."

10 Section 18. Section 75-8207, R.C.M. 1947, is amended
 11 to read as follows:

12 "75-8207. Regulations of board of health. (1) The
 13 state board of health shall adopt regulations prescribing
 14 the requirements for school sites, school buildings,
 15 ventilation, heating, lighting, water supply, sewage and
 16 waste disposal, and any other matters pertinent to the
 17 health and physical wellbeing of the pupils, teachers, and
 18 others who frequent schools. Such regulations of the state
 19 board of health shall require:

20 (1) at least fifteen (15) square feet of floor space
 21 and two hundred (200) cubic feet of air space for each pupil
 22 to be accommodated in each classroom;

23 (2) a system of ventilation which shall be adequate to
 24 produce satisfactory conditions of air in all rooms of the
 25 building at all times and under all conditions;

1 ~~{3}--a-ventilation-system-of-fire-resistant-material~~
2 ~~and-construction;and~~

3 ~~{4}--a-system-of-lighting-all-parts-of-the-building~~
4 ~~that-will-produce-an-adequate-quality-and-quantity-of~~
5 ~~illumination-at-all-times.~~

6 {2} The state board of health shall furnish to the
7 districts copies of such regulations.*

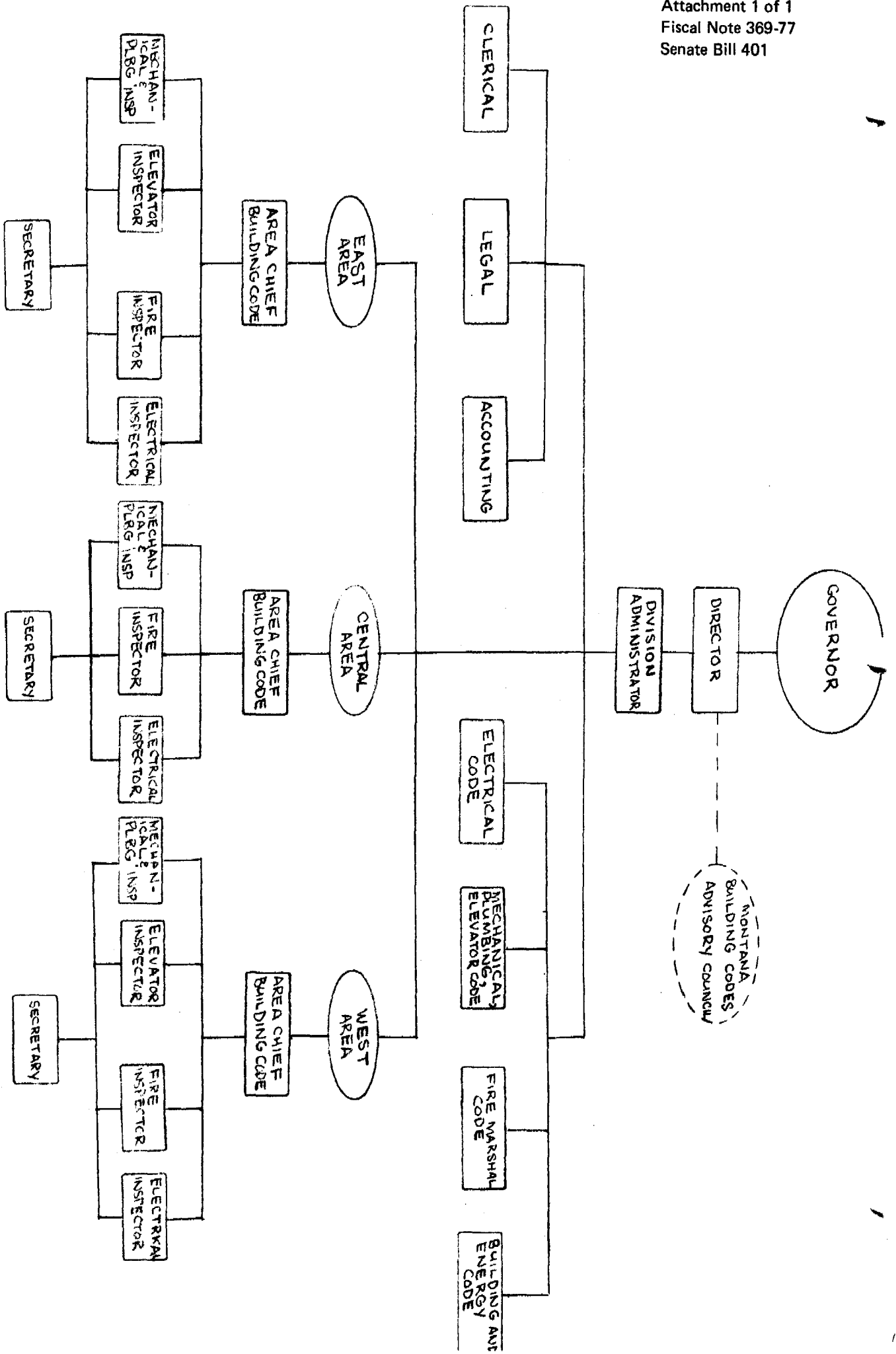
8 Section 19. There is a new R.C.M. section numbered
9 69-2125 that reads as follows:

10 69-2125. Department of administration -- sole
11 authority to promulgate building regulations. No state
12 agency except the department of administration may
13 promulgate building regulations as defined in 69-2105.

14 Section 20. Saving clause. This act does not affect
15 rights and duties that matured, penalties that were
16 incurred, or proceedings that were begun before the
17 effective date of this act.

18 Section 21. Severability. If a part of this act is
19 invalid, all valid parts that are severable from the invalid
20 part remain in effect. If a part of this act is invalid in
21 one or more of its applications, the part remains in effect
22 in all valid applications that are severable from the
23 invalid applications.

24 Section 22. Repealer. Section 69-4117 and 69-5507 are
25 repealed.



Approved by Comm.
on Local Government

Senate

BILL NO. 401

1 INTRODUCED BY *Four Flynn*

2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
5 CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS REGARDING BUILDING
6 CODES; PROVIDING FOR PROMULGATION OF CODES BY THE DEPARTMENT
7 OF ADMINISTRATION; AMENDING SECTIONS 66-2416, 66-2417,
8 66-2427, 66-2802, 66-2805.1, 69-2105, 69-2111, 69-2112,
9 69-2124, 75-8206, 75-8207, 82-1201, 82-1202, 82-1202.1,
10 82-1208, 82-1229, 82-1232, AND 82A-1607, R.C.M. 1947; AND
11 REPEALING SECTIONS 69-4117 AND 69-5507, R.C.M. 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 69-2105, R.C.M. 1947, is amended to
15 read as follows:

16 "69-2105. Definitions. As used in this chapter, unless
17 the context requires otherwise:

18 (1) "Municipality" means any incorporated city or town
19 and its jurisdictional area as defined by subsection (12) of
20 this section.

21 (2) "Building regulations" means any law, rule,
22 resolution, regulation, ordinance, or code, general or
23 special, or compilation thereof enacted or adopted by the
24 state or any municipality, including departments, boards,
25 bureaus, commissions, or other agencies of the state or a

There are no changes in SB401, & will not be re-run.

Please refer to white copy for complete text. SECOND READING

1 municipality relating to the design, construction,
2 reconstruction, alteration, conversion, repair inspection,
3 or use of buildings and installation of equipment in
4 buildings. The term does not include zoning ordinances.

5 (3) "Department" means the department of
6 administration provided for in Title 82A, chapter 2.

7 (4) "Local building department" means the agency or
8 agencies of any municipality charged with the
9 administration, supervision, or enforcement of building
10 regulations, approval of plans, inspection of buildings, or
11 the issuance of permits, licenses, certificates and similar
12 documents, prescribed or required by state or local building
13 regulations.

14 (5) "State agency" means any state officer,
15 department, board, bureau, commission, or other agency of
16 this state.

17 (6) "Building" means a combination of any materials,
18 whether mobile, portable, or fixed to form a structure and
19 the related facilities for the use or occupancy by persons,
20 or property. The word "building" shall be construed as
21 though followed by the words "or part or parts thereof."

22 (7) "Equipment" means plumbing, heating, electrical,
23 ventilating, air conditioning, and refrigerating equipment,
24 elevators, dumb-waiters, escalators, and other mechanical
25 additions or installations.

SB401

1 (8) "Construction" means the original construction,
2 and equipment of buildings, and requirements or standards
3 relating to or affecting materials used including provisions
4 for safety and sanitary conditions.

5 (9) "Owner" means the owner or owners of the premises
6 or lesser estate, a mortgagee or vendee in possession,
7 assignee of rents, receiver, executor, trustee, lessee or
8 other person, firm, or corporation, in control of a
9 building.

10 (10) "Local legislative body" means the council or
11 commission charged with governing the municipality.

12 (11) "State building code" means the state building
13 code provided for in section 69-2111 or any portion of the
14 code of limited application, and any of its modifications or
15 amendments.

16 (12) "Municipal jurisdictional area" means the area
17 within the limits of an incorporated municipality unless the
18 area is extended at the written request of a municipality.
19 Upon request the council may approve extension of the
20 jurisdictional area to include: (a) all or part of the area
21 within ~~four--and--one-half--~~{4 1/2} miles of the corporate
22 limits of a municipality; (b) all of any platted subdivision
23 which is partially within ~~four--and--one-half--~~{4 1/2} miles of
24 the corporate limits of a municipality; and (c) all of any
25 zoning district adopted pursuant to Title 16, chapter 41 or

1 47, R.C.M.-1947, which is partially within ~~four--and--one-half~~
2 ~~{4 1/2}~~ miles of the corporate limits of a municipality.
3 Distances shall be measured in a straight line in a
4 horizontal plane.

5 (13) "Public place" means any place which a
6 municipality or state maintains for the use of the public,
7 or a place where the public has a right to go and be.

8 ~~{14} "Mobile home" means anything defined as a mobile~~
9 ~~home in the edition of National Fire Protection Association~~
10 ~~{NFPA} No. 501B or American National Standards Institute~~
11 ~~{ANSI} A119.1 most recently adopted by the state in~~
12 ~~accordance with section 69-2122.~~

13 ~~{15}{14} "Recreational vehicle" means anything defined~~
14 ~~as a recreational vehicle in the edition of NFPA No. 501C or~~
15 ~~ANSI A119.2 most recently adopted by the state in accordance~~
16 ~~with section 69-2122."~~

17 Section 2. Section 69-2111, R.C.M. 1947, is amended to
18 read as follows:

19 "69-2111. Adoption of rules by department. (1) The
20 department shall adopt by reference nationally recognized
21 building codes in whole or in part, amend and repeal rules
22 relating to the construction of all buildings or classes of
23 buildings or the installation of equipment in those
24 buildings, and may by rule prescribe standards or
25 requirements for materials to be used in buildings including

1 SENATE BILL NO. 401
2 INTRODUCED BY LOWE, FLYNN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
5 CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS REGARDING BUILDING
6 CODES; PROVIDING FOR PROMULGATION OF CODES BY THE DEPARTMENT
7 OF ADMINISTRATION; AMENDING SECTIONS 66-2416, 66-2417,
8 66-2427, 66-2802, 66-2805.1, 69-2105, 69-2111, 69-2112,
9 69-2124, 75-8206, 75-8207, 82-1201, 82-1202, 82-1202.1,
10 82-1208, ~~82-1209~~, 82-1229, 82-1232, AND 82A-1607, R.C.M.
11 1947; AND REPEALING SECTIONS 69-4117 AND 69-5507, R.C.M.
12 1947."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 69-2105, R.C.M. 1947, is amended to
16 read as follows:

17 "69-2105. Definitions. As used in this chapter, unless
18 the context requires otherwise:

19 (1) "Municipality" means any incorporated city or town
20 and its jurisdictional area as defined by subsection (12) of
21 this section.

22 (2) "Building regulations" means any law, rule,
23 resolution, regulation, ordinance, or code, general or
24 special, or compilation thereof enacted or adopted by the
25 state or any municipality, including departments, boards,

1 bureaus, commissions, or other agencies of the state or a
2 municipality relating to the design, construction,
3 reconstruction, alteration, conversion, repair inspection,
4 or use of buildings and installation of equipment in
5 buildings. The term does not include zoning ordinances.

6 (3) "Department" means the department of
7 administration provided for in Title 82A, chapter 2.

8 (4) "Local building department" means the agency or
9 agencies of any municipality charged with the
10 administration, supervision, or enforcement of building
11 regulations, approval of plans, inspection of buildings, or
12 the issuance of permits, licenses, certificates and similar
13 documents, prescribed or required by state or local building
14 regulations.

15 (5) "State agency" means any state officer,
16 department, board, bureau, commission, or other agency of
17 this state.

18 (6) "Building" means a combination of any materials,
19 whether mobile, portable, or fixed to form a structure and
20 the related facilities for the use or occupancy by persons,
21 or property. The word "building" shall be construed as
22 though followed by the words "or part or parts thereof."

23 (7) "Equipment" means plumbing, heating, electrical,
24 ventilating, air conditioning, and refrigerating equipment,
25 elevators, dumb-waiters, escalators, and other mechanical

1 additions or installations.

2 (8) "Construction" means the original construction,
3 and equipment of buildings, and requirements or standards
4 relating to or affecting materials used including provisions
5 for safety and sanitary conditions.

6 (9) "Owner" means the owner or owners of the premises
7 or lesser estate, a mortgagee or vendee in possession,
8 assignee of rents, receiver, executor, trustee, lessee or
9 other person, firm, or corporation, in control of a
10 building.

11 (10) "Local legislative body" means the council or
12 commission charged with governing the municipality.

13 (11) "State building code" means the state building
14 code provided for in section 69-2111 or any portion of the
15 code of limited application, and any of its modifications or
16 amendments.

17 (12) "Municipal jurisdictional area" means the area
18 within the limits of an incorporated municipality unless the
19 area is extended at the written request of a municipality.
20 Upon request the council may approve extension of the
21 jurisdictional area to include: (a) all or part of the area
22 within ~~four-and-one-half~~ {4 1/2} miles of the corporate
23 limits of a municipality; (b) all of any platted subdivision
24 which is partially within ~~four-and-one-half~~ {4 1/2} miles of
25 the corporate limits of a municipality; and (c) all of any

1 zoning district adopted pursuant to Title 16, chapter 41 or
2 47, R.C.M.-1947, which is partially within ~~four-and-one-half~~
3 {4 1/2} miles of the corporate limits of a municipality.
4 Distances shall be measured in a straight line in a
5 horizontal plane.

6 (13) "Public place" means any place which a
7 municipality or state maintains for the use of the public,
8 or a place where the public has a right to go and be.

9 ~~{14} "Mobile home" means anything defined as a mobile
10 home in the edition of National Fire Protection Association
11 (NFPA) No. 5010 or American National Standards Institute
12 (ANSI) A119.1 most recently adopted by the state in
13 accordance with section 69-2122.~~

14 ~~{15} {14} "Recreational vehicle" means anything defined
15 as a recreational vehicle in the edition of NFPA No. 5010 or
16 ANSI A119.2 most recently adopted by the state in accordance
17 with section 69-2122."~~

18 Section 2. Section 69-2111, R.C.M. 1947, is amended to
19 read as follows:

20 "69-2111. Adoption of rules by department. (1) The
21 department shall adopt by reference nationally recognized
22 building codes in whole or in part, amend and repeal rules
23 relating to the construction of all buildings or classes of
24 buildings or the installation of equipment in those
25 buildings, and may by rule prescribe standards or

1 requirements for materials to be used in buildings including
 2 provisions dealing with safety, sanitation and conservation
 3 of energy. The rules, when adopted as provided in this
 4 chapter, constitute the "state building code" and shall be
 5 acceptable for the buildings to which it is applicable.

6 (2) The department may hold hearings relating to the
 7 administration of this act in accordance with the Montana
 8 Administrative Procedure Act.

9 (3) Except as provided in subsection (4) of this
 10 section, no rule and no amendment or repeal of the state
 11 building code shall take effect until after a public hearing
 12 by the department.

13 (4) If a hearing has been held by the department of
 14 justice with respect to its duties contained in Title 82,
 15 chapter 12, the board of plumbers, the department of health
 16 and environmental sciences, board of warm air heating,
 17 ventilation, and air conditioning, or state electrical
 18 board, on a proposed rule relating to building and equipment
 19 standards in their respective fields, a public hearing by
 20 the department is not required. The proposed rule is
 21 effective upon approval of the department and filing with
 22 the secretary of state as a part of the state building code.

23 ~~(5) If a rule relating to building or equipment~~
 24 ~~standards is proposed by the department of justice with~~
 25 ~~respect to its duties contained in Title 82, chapter 12,~~

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

8 Section 3. Section 69-2112, R.C.M. 1947, is amended to
 9 read as follows:

10 "69-2112. Municipal building codes -- applicability of
 11 state code. (1) The local legislative body of a
 12 municipality or county may adopt a municipal building code
 13 by ordinance to apply to the municipal or county
 14 jurisdictional area. ~~A municipal building code shall require~~
 15 ~~standards equal to those of the state building code or~~
 16 ~~higher standards. A municipal building code must cover all~~
 17 ~~general areas included in the state building code. A~~
 18 municipal or county building code may include only codes
 19 adopted by the department.

20 (2) If a municipality or county does not adopt a
 21 municipal building code as provided in subsection (1) of
 22 this section, the state building code applies within the
 23 municipal or county jurisdictional area and the state will
 24 enforce the code in these areas.

25 (3) ~~The department shall determine whether a municipal~~

1 ~~building code has standards equal to those of the state~~
 2 ~~building code or higher standards and notify municipalities~~
 3 ~~immediately if any municipal standards are below the state~~
 4 ~~standards. A county or municipality may not enforce a~~
 5 ~~building code unless the code adopted and a plan for~~
 6 ~~enforcement of the code have been approved by the~~
 7 ~~department.~~

8 (4) ~~If a municipal code is adopted, a copy of the code~~
 9 ~~and any amendments to the code shall be filed with the~~
 10 ~~department. The department shall set forth rules and~~
 11 ~~standards governing the certification of municipal and~~
 12 ~~county building code programs as required in subsection~~
 13 ~~(3).~~"

14 Section 4. Section 69-2124, R.C.M. 1947, is amended to
 15 read as follows:

16 "69-2124. Fees. The department shall establish a
 17 schedule of fees for ~~the inspection of plans and~~
 18 ~~specifications for mobile homes or recreational vehicles and~~
 19 ~~for the inspection of individual units and may collect fees~~
 20 ~~for the inspection of plans and specifications and for the~~
 21 ~~inspection of buildings, factory-built buildings,~~
 22 ~~recreational vehicles, tramways, or any other facility or~~
 23 ~~structure.~~ The department may utilize independent testing
 24 laboratories or the agencies of other states to determine if
 25 approved models of ~~mobile homes~~ factory-built buildings or

1 recreational vehicles are being constructed in accordance
 2 with the approved plans and specifications for said models."

3 Section 5. Section 82-1201, R.C.M. 1947, is amended to
 4 read as follows:

5 "82-1201. ~~Creation of office of state fire~~ Fire
 6 ~~marshal bureau~~ fire prevention advisory commission.

7 (1) There is ~~an office of state~~ a fire marshal bureau,
 8 which is under ~~the supervision and control of the~~
 9 ~~commissioner of insurance~~ within the department of
 10 administration.

11 (2) The state fire marshal shall be appointed ~~by the~~
 12 ~~commissioner of insurance and shall serve at his pleasure~~
 13 ~~employed by the department of administration.~~

14 (3) A person appointed employed as state fire marshal
 15 shall:

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

18 (b) a degree in engineering from a recognized
 19 institution of higher education and ~~two~~ two years'
 20 experience in fire protection; or

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

24 (4) ~~Not later than thirty~~ thirty days after this act
 25 becomes effective ~~the commissioner of insurance shall~~

1 ~~appoint a fire prevention advisory commission composed of~~
2 ~~the following members:~~

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

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

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

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

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

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

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

16 ~~After termination of the initial term, all members~~
17 ~~shall be appointed for four (4) year terms. Appointed~~
18 ~~members of the commission shall be reimbursed for meetings~~
19 ~~at the rate of twenty dollars (\$20) per day plus actual~~
20 ~~expenses including mileage, food, and lodging. The~~
21 ~~commissioner of insurance shall serve as chairman and the~~
22 ~~state fire marshal shall serve as secretary of the~~
23 ~~commission."~~

24 Section 6. Section 82-1202, R.C.M. 1947, is amended to
25 read as follows:

1 "82-1202. Powers of the state fire marshal. The state
2 fire marshal shall:

3 (1) Make at least one inspection during every year, of
4 each state institution, and submit a copy of the report to
5 the state department of institutions with recommendations in
6 regard to fire prevention, fire protection and to the public
7 safety.

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

13 (3) Inspect public, business, or industrial buildings
14 and require conformance to law or rules promulgated under
15 the provisions of this act.

16 (4) Do all things necessary and convenient for
17 carrying into effect the fire prevention laws of this state
18 governing this act and may, adopt necessary rules for
19 safeguarding lives and property from the hazards of fire and
20 explosion. Rules shall be adopted as prescribed in the
21 "Montana Administrative Procedure Act". If fire prevention
22 rules are violated, the fire marshal may maintain an action
23 to enjoin the use of all or a portion of a building or
24 facility, or restrain a specific activity, until there is
25 compliance with the rules.

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

5 Section 7. Section 82-1202.1, R.C.M. 1947, is amended
 6 to read as follows:

7 "82-1202.1. Rules promulgated by state fire marshal --
 8 adoption of other standards -- providing for licensing --
 9 providing for a penalty for violation. (1) Rules promulgated
 10 by the state fire marshal by authority of section 82-1202,
 11 ~~R.C.M. 1947~~, shall be reasonable and calculated to effect
 12 the purposes of this act. They shall include but not be
 13 limited to requirements for design, construction,
 14 installation, operation, storage, handling, maintenance or
 15 use of the following: ~~structural requirements for various~~
 16 ~~types of construction; building restrictions within~~
 17 ~~congested districts; exit facilities from structures; fire~~
 18 ~~alarm systems and fire extinguishing systems; fire emergency~~
 19 ~~drills; flue and chimney construction; heating devices;~~
 20 ~~electrical wiring and equipment; air conditioning,~~
 21 ~~ventilating and other duct systems; refrigeration systems;~~
 22 ~~flammable liquids; oil and gas wells; application of~~
 23 ~~flammable finishes; explosives, acetylene, liquefied~~
 24 ~~petroleum gas and similar products; calcium carbide and~~
 25 ~~acetylene generators; flammable motion picture film,~~

1 combustible fibres; hazardous chemicals; rubbish, open flame
 2 devices; parking of vehicles; dust explosions; lightning
 3 protection; and other special fire hazards.

4 (2) If rules relate to building and equipment
 5 standards covered by the state or a municipal building code,
 6 ~~the rules are effective upon approval of the department of~~
 7 ~~administration and filing with the secretary of state the~~
 8 rules shall be promulgated by the department of
 9 administration.

10 (3) Standards of the National Fire Protection
 11 Association UNIFORM FIRE PREVENTION CODE, ~~United States~~
 12 ~~Bureau of Standards~~ and American Insurance Association
 13 Standards may be adopted in whole or in part by reference.

14 (4) A natural person must obtain a certificate of
 15 registration from the state fire marshal prior to servicing
 16 or installing of fire extinguishers, fire alarm systems or
 17 fire extinguishing systems. A person or firm must obtain
 18 from the fire marshal a permit to sell or a license to
 19 install fire extinguishers, fire alarm systems, or fire
 20 extinguishing systems, prior to engaging in such business.

21 (a) Applications for licenses, permits or
 22 certificates, shall be made on a form prescribed by the
 23 state fire marshal. The fire marshal shall issue a license
 24 to an applicant who submits satisfactory proof that he is
 25 properly equipped and staffed to provide the services to be

1 licensed, and who pays the required fee. The fire marshal
 2 shall issue a certificate of registration to an applicant
 3 who scores a passing grade on an examination devised by the
 4 fire marshal, and who pays the required fee. The fire
 5 marshal shall issue a sales permit to an applicant who
 6 submits the information required by the fire marshal on the
 7 application form, who submits satisfactory proof that he
 8 deals only in equipment that meets the standards and
 9 regulations of the state fire marshal, and who pays the
 10 required fee.

11 (b) The state fire marshal may conduct inspections,
 12 examinations or hearings prior to the issuance of licenses,
 13 permits or certificates. The state fire marshal may revoke,
 14 suspend or refuse to issue a license, permit or certificate
 15 for violation of the provisions of this chapter or any rules
 16 and regulations promulgated by the fire marshal under
 17 applicable law.

18 (c) The state fire marshal or his representative shall
 19 charge a fee, not to exceed a total of ~~twenty-five--dollars~~
 20 ~~†\$25†~~ for the inspection and issuance of licenses, permits
 21 and certificates.

22 (d) All fees collected under this section shall be
 23 paid into the general fund.

24 (5) Any person violating any rule made under the
 25 provisions of this section shall be guilty of a

1 misdemeanor."

2 Section 8. Section 82-1208, R.C.M. 1947, is amended to
 3 read as follows:

4 "82-1208. Special deputy fire marshals -- acting fire
 5 marshal -- fire marshal's employees. (1) In an emergency,
 6 or during the absence or disability of the state fire
 7 marshal, the ~~attorney-general~~ director of the department of
 8 administration may appoint an acting fire marshal, who shall
 9 perform the duties of the office, or any duty which may be
 10 assigned to him, such appointment to cease when the
 11 necessity therefor has been relieved.

12 (2) The state fire marshal may appoint special deputy
 13 state fire marshals throughout the state and define their
 14 duties. When performing these duties or attending a training
 15 course conducted by the state fire marshal, special deputy
 16 fire marshals may be paid at a rate not to exceed ~~forty~~
 17 ~~dollars--†\$40†~~ per day plus per diem allowance for expenses
 18 and mileage at the same rates specified for state employees.

19 (3) The fire marshal may appoint assistants and
 20 clerical employees to perform duties as specified by the
 21 marshal to assist in carrying out the duties assigned him by
 22 law."

23 Section 9. Section 82-1229, R.C.M. 1947, is amended to
 24 read as follows:

25 "82-1229. Annual reports to ~~commissioner-of--insurance~~

1 ~~the department of administration.~~ The state fire marshal
 2 shall make an annual report to the ~~commissioner of insurance~~
 3 ~~department of administration,~~ containing a detailed
 4 statement of his official action and the transactions of his
 5 department ~~bureau.~~ The ~~commissioner of insurance~~ director
 6 shall, in turn, submit said report to the governor of the
 7 state, with such recommendations and comments thereon as he
 8 may deem consider necessary."

9 Section 10. Section 82-1232, R.C.M. 1947, is amended
 10 to read as follows:

11 "82-1232. Powers of ~~commissioner of insurance~~
 12 ~~department of administration.~~ The powers and authority
 13 granted by this act to the state fire marshal are also
 14 vested in the ~~commissioner of insurance~~ director of the
 15 department of administration."

16 Section 11. Section 66-2416, R.C.M. 1947, is amended
 17 to read as follows:

18 "66-2416. Minimum standards -- state plumbing code --
 19 fee for copy of code. ~~{}~~ The board ~~department of~~
 20 administration shall by rule prescribe minimum standards
 21 which are uniform and which are thereafter effective for all
 22 plumbing installations or maintenance, except where exempt
 23 by section 66-2426. ~~Upon approval of the department of~~
 24 ~~administration, department of health and environmental~~
 25 ~~sciences and the attorney general, and upon publication, the~~

1 ~~rules become the state plumbing code and have the force of~~
 2 ~~law. A copy of the code shall be supplied to each person~~
 3 ~~licensed under sections 66-2401 through 66-2411, or any~~
 4 ~~other interested person, for an amount equal to the actual~~
 5 ~~current cost of the code plus postage.~~

6 ~~{}~~ ~~Rules relating to building and equipment standards~~
 7 ~~covered by the state or a municipal building code are~~
 8 ~~effective after approval by the department of administration~~
 9 ~~and filing with the secretary of state."~~

10 Section 12. Section 66-2417, R.C.M. 1947, is amended
 11 to read as follows:

12 "66-2417. District court -- jurisdiction --
 13 restraining orders. The district court of any county has
 14 jurisdiction in equity, on application of the ~~board or the~~
 15 ~~department of health and environmental sciences~~ department
 16 of administration, to ~~enforce this act and to~~ restrain from
 17 connection any new plumbing installations, on finding, after
 18 hearing, that the plumbing is inferior to the standards of
 19 the state plumbing code."

20 Section 13. Section 66-2427, R.C.M. 1947, is amended
 21 to read as follows:

22 "66-2427. Permit fee -- payment -- penalties. (1) It
 23 is unlawful for any person to engage in the business, trade,
 24 or work having to do with the installation, removal,
 25 alteration, or repair of plumbing and drainage systems or

1 parts thereof without first obtaining a permit from the
2 ~~board-of-plumbers department of administration.~~

3 A separate permit shall be obtained for each building
4 or structure.

5 No person may allow any other person to do or cause to
6 be done any work under a permit secured by the permittee
7 except persons in his employ.

8 (2) No permit is required for any minor replacement or
9 repair work, the performance of which does not have a
10 significant potential for creating a condition hazardous to
11 public health and safety. No permit is required where the
12 installation is exempt under the provisions of section
13 66-2426 or 66-2401. Nothing contained in this act shall
14 prohibit the owner of residential property from making an
15 installation for all sanitary plumbing and potable water
16 supply piping without a permit providing he does the work
17 himself. The provisions of this act do not apply to
18 regularly employed maintenance personnel doing maintenance
19 work on the business premises of their employer unless work
20 is subject to the permit provisions of this act.

21 (3) Persons required by this section to apply for a
22 permit shall make application on forms provided by the ~~board~~
23 ~~department of administration~~ or authorized representative.
24 He shall give a description of the character of the work
25 proposed to be done, and the location, ownership, occupancy

1 and use of the premises in connection therewith. The ~~board~~
2 ~~of-plumbers department of administration~~ or its authorized
3 representative may require sketches, specifications or
4 drawings and such other information it deems necessary in
5 order to determine the scope of the work contemplated.

6 If the ~~board department of administration~~ determines
7 that the sketches, specifications, drawings, descriptions
8 and information furnished by the applicant are in compliance
9 with the state plumbing code, it shall issue the permit
10 applied for upon payment of the required fee as established
11 by the ~~board department of administration.~~

12 (4) Any person who commences any work for which a
13 permit is required without first obtaining a permit shall,
14 if subsequently permitted to obtain a permit, pay double the
15 permit fee for the work, except that this provision does not
16 apply to emergency work when it is proved to the
17 satisfaction of the ~~board-of-plumbers department of~~
18 ~~administration~~ or its authorized representative that the
19 work was urgently necessary and that it was not practical to
20 obtain a permit before the commencement of the work. In all
21 such cases, a permit shall be obtained as soon as it is
22 practical to do so, and if there is unreasonable delay in
23 applying for the permit, a double fee shall be charged.

24 For the purpose of this section, a sanitary plumbing
25 outlet on or to which a plumbing fixture or appliance may be

1 set or attached shall be construed to be a fixture. Fees
2 for reconnection and retest of plumbing systems in relocated
3 buildings shall be based on the number of plumbing fixtures,
4 gas systems, water heaters, and the like involved.

5 When a permit has been obtained to connect an existing
6 building or existing work to the public sewer or to connect
7 to a new private disposal facility, backfilling of private
8 sewage disposal facilities abandoned consequent to the
9 connection is included in the permit.

10 The ~~board of plumbers~~ department of administration
11 shall establish permit fees in accordance with the Montana
12 Administrative Procedure Act and the fees shall be deposited
13 to the earmarked revenue fund of the ~~board of plumbers~~
14 department of administration for use in the administration
15 and enforcement of this act and the Montana state plumbing
16 code.

17 (5) All plumbing and drainage systems may be inspected
18 by the ~~board of plumbers~~ department of administration or
19 their authorized representative to insure compliance with
20 the requirements of the state plumbing code.

21 (6) It is the duty of the person doing work authorized
22 by the permit to notify the ~~board~~ department of
23 administration orally or in writing, that the work is ready
24 for inspection. The notification shall be given not less
25 than ~~twenty-four--{24}~~ hours before the work is to be

1 inspected.

2 It is the duty of the person doing the work authorized
3 by the permit to ensure that the work performed before
4 notification and after notification pending inspection
5 complies with the state plumbing code.

6 (7) Whenever any work is being done contrary to the
7 provisions of the state plumbing code, the ~~board~~ department
8 of administration or its authorized representative may,
9 after a hearing conducted under the provisions of the
10 Montana Administrative Procedure Act, order work stopped by
11 notice in writing served on any person engaged in the work.

12 (8) The ~~board~~ department of administration may suspend
13 or revoke a permit, whenever it is issued in error or on the
14 basis of incorrect information supplied, or work performed
15 thereunder is in violation of any of the provisions of Title
16 66, chapter 24, ~~R.C.M. 1947.~~"

17 Section 14. Section 66-2802, R.C.M. 1947, is amended
18 to read as follows:

19 "66-2802. Purpose. (1) The purpose of this act is to
20 protect the health and safety of the people of this state
21 from the danger of electrically caused shocks, fires, and
22 explosions; to protect property from the hazard of
23 electrically caused fires and explosions; to establish a
24 procedure for determining where and by whom electrical
25 installations are to be made; to assure the public that

1 persons making electrical installations are qualified; and
 2 to insure that the electrical installations and electrical
 3 products made and sold in this state meet minimum safety
 4 standards. All installations in this state of wires and
 5 equipment to convey electric current and installations of
 6 apparatus to be operated by current, except as provided in
 7 section 66-2812, shall be made substantially in accord with
 8 ~~the National Electrical Code, as approved by the American~~
 9 ~~standards association, relating to this work as far as it~~
 10 ~~covers fire and personal injury hazards, and as the National~~
 11 ~~Electrical Code shall be amended. The standards as set forth~~
 12 ~~in the National Electrical Code shall be prima facie~~
 13 ~~evidence of minimum approved methods of construction for~~
 14 ~~safety to life and property. The affirmative vote of a~~
 15 ~~majority of all appointed members of the board shall be~~
 16 ~~required to set any standards that are more stringent than~~
 17 ~~those set forth in the National Electrical Code building~~
 18 codes adopted by the department of administration.

19 (2) Rules and standards relating to buildings and
 20 equipment ~~covered by the state or a municipal building code~~
 21 ~~are not effective until approved by the department of~~
 22 ~~administration and filed with the secretary of state shall~~
 23 be promulgated by the department of administration."

24 Section 15. Section 66-2805.1, R.C.M. 1947, is amended
 25 to read as follows:

1 "66-2805.1. Department -- inspections -- tags.
 2 (1) The department of administration shall make inspections
 3 of electrical installations, issue inspection tags for these
 4 installations, and establish and charge a reasonable and
 5 uniform fee for the inspections, which may not exceed the
 6 expense of providing the inspection.

7 (2) Individuals, firms, cooperatives, corporations, or
 8 municipalities selling electricity are power suppliers.
 9 Power suppliers may not connect with or energize an
 10 electrical installation, under this act, unless the owner or
 11 a licensed electrical contractor has delivered to the power
 12 supplier an inspection tag covering the installation, issued
 13 by the department of administration.

14 (3) Immediately after an installation has been
 15 energized, the power supplier shall deliver to the
 16 department of administration the inspection tag covering the
 17 installation.

18 (4) It is unlawful for a person, partnership, company,
 19 firm, association, or corporation, other than a power
 20 supplier, to energize an electrical installation under this
 21 act, unless an application for an inspection tag covering
 22 the installation, together with the inspection fee, has been
 23 forwarded to the department of administration."

24 Section 16. Section 82A-1607, R.C.M. 1947, is amended
 25 to read as follows:

1 "82A-1607. Electrical inspections and code making. The
 2 functions of the department of law enforcement and public
 3 safety of making inspections of electrical installations and
 4 issuing tags and charging fees therefor as set forth in
 5 section 66-2805(c)(i) and of establishing an electrical code
 6 as set forth in section 66-2802(i), which were transferred
 7 to the department in section 82A-1203, are transferred to
 8 the department of ~~professional and occupational licensing~~
 9 ~~and the board of electricians, subject to the provisions of~~
 10 ~~this act~~ administration."

11 Section 17. Section 75-8206, R.C.M. 1947, is amended
 12 to read as follows:

13 "75-8206. Review and approval of school building plans
 14 and specifications. (1) No school building in the state,
 15 either publicly or privately owned or operated, shall be
 16 built, enlarged, remodeled, or repaired until the plans and
 17 specifications for such construction have been submitted to
 18 ~~the state board of health and the state fire marshal, and~~
 19 ~~such public agencies have endorsed their approval on such~~
 20 ~~plans and specifications~~ and approved by the department of
 21 administration.

22 (2) The plans and specifications shall show in detail
 23 the proposed construction of the building and shall
 24 illustrate and indicate conformity with the ~~regulations of~~
 25 ~~the board of health and of the state fire marshal. The plans~~

1 ~~and specifications shall be prepared in accordance with the~~
 2 ~~regulations of the board of health of the state of Montana,~~
 3 ~~the regulations of the Montana state fire marshal, and the~~
 4 ~~building code promulgated by the state building code council~~
 5 ~~rules promulgated by the department of administration.~~

6 (3) As a service to districts, the superintendent of
 7 public instruction shall may review the plans and
 8 specifications submitted to the ~~board of health~~ department
 9 of administration to assist the districts in designing
 10 facilities for optimum utilization."

11 Section 18. Section 75-8207, R.C.M. 1947, is amended
 12 to read as follows:

13 "75-8207. Regulations of board of health. (1) The
 14 state board of health shall adopt regulations prescribing
 15 the requirements for school sites, ~~school buildings,~~
 16 ~~ventilation, heating, lighting,~~ water supply, sewage and
 17 waste disposal, and any other matters pertinent to the
 18 health and physical wellbeing of the pupils, teachers, and
 19 others who frequent schools. ~~Such regulations of the state~~
 20 ~~board of health shall require:~~

21 (1) ~~at least fifteen (15) square feet of floor space~~
 22 ~~and two hundred (200) cubic feet of air space for each pupil~~
 23 ~~to be accommodated in each classroom;~~

24 (2) ~~a system of ventilation which shall be adequate to~~
 25 ~~produce satisfactory conditions of air in all rooms of the~~

1 ~~building-at-all-times-and-under-all-conditions~~
2 ~~(3)--a-ventilation-system-of--fire--resistant--material~~
3 ~~and-construction--end~~

4 ~~(4)--a--system--of--lighting--all-parts-of-the-building~~
5 ~~that-will--produce--an--adequate--quality--and--quantity--of~~
6 ~~illumination-at-all-times.~~

7 (2) The state board of health shall furnish to the
8 districts copies of such regulations."

9 Section 19. There is a new R.C.M. section numbered
10 69-2125 that reads as follows:

11 69-2125. Department of administration -- sole
12 authority to promulgate building regulations. No state
13 agency except the department of administration may
14 promulgate building regulations as defined in 69-2105.

15 SECTION 20. SECTION 82-1209, R.C.M. 1947, IS AMENDED
16 TO READ AS FOLLOWS:

17 "82-1209. ~~Investigation--of--fires~~ Arson investigation
18 bureau; powers and duties. (1) There is an arson
19 investigation bureau within the department of justice. The
20 bureau consists of a chief investigator and two deputies.
21 The bureau has full investigative subpoena power in arson
22 related matters and the chief investigator has authority to
23 appoint special deputy investigators in the same manner as
24 special deputy fire marshals are appointed in section
25 82-1228. Upon request, the state fire marshal shall

1 cooperate fully with the bureau.

2 (1)(2) The cause, origin, and circumstances of each
3 fire, by which property has been destroyed or damaged, shall
4 be investigated to determine the exact cause and
5 circumstances. The ~~state--fire--marshal~~ chief arson
6 investigator may ~~superintend~~ supervise and direct the
7 investigation if he deems it necessary.

8 (2)(3) If the fire occurs within a municipality or
9 organized fire district, the chief of the fire department
10 shall make the investigation. If the fire occurs outside a
11 municipality or organized fire district, the county sheriff
12 shall make the investigation. If it appears that the fire
13 was of suspicious origin, or if there was a loss of human
14 life, the official responsible for the investigation shall
15 notify the ~~state-fire-marshal~~ bureau within twenty-four (24)
16 hours, and shall file a written report ~~of-the-cause~~ with the
17 ~~state-fire-marshal~~ bureau within ten (10) days.

18 (3)(4) If the property was insured, as soon as any
19 adjustment has been made, a person representing the
20 insurance company shall notify the ~~state-fire-marshal~~ bureau
21 of the amount of adjustment and the apparent cause and
22 circumstances of the fire on forms furnished by the ~~state~~
23 ~~fire-marshal~~ bureau.

24 (4)(5) Each official responsible for investigating
25 fires shall file a fire incident report on each and every

1 fire with the ~~state-fire-marshat~~ bureau. Reports shall be
2 on forms, and shall contain information, prescribed by the
3 ~~state--fire--marshat~~ bureau. ~~These reports shall be sent to~~
4 ~~the-state-fire-marshat-on-a-weekly-basis."~~

5 Section 21. Saving clause. This act does not affect
6 rights and duties that matured, penalties that were
7 incurred, or proceedings that were begun before the
8 effective date of this act.

9 Section 22. Severability. If a part of this act is
10 invalid, all valid parts that are severable from the invalid
11 part remain in effect. If a part of this act is invalid in
12 one or more of its applications, the part remains in effect
13 in all valid applications that are severable from the
14 invalid applications.

15 Section 23. Repealer. Section 69-4117 and 69-5507 are
16 repealed.

-End-

HOUSE COMMITTEE ON STATE ADMINISTRATION AMENDMENTS TO SENATE BILL No. 401

1. Amend title, line 9.

Following: "75-8207,"

Strike: 82-1201, 82-1202, 82-1202.1, 82-1208, 82-1209, 82-1229, 82-1232,"

2. Amend page 6, section 3, subsection (1), line 19.

Following: "department"

Insert: "and the state fire marshal"

3. Amend page 7, section 3, subsection (3), line 5.

Following: "adopted"

Strike: "and a plan for enforcement of the code have been approved by the department"

Insert: "has been approved by the department and a plan for the enforcement of the code has been filed with the department and the state fire marshal"

4. Amend pages 8 through 15, sections 5 through 10, lines 3 on page 8 through line 15 on page 15.

Strike: sections 5 through 10 in their entirety

Renumber: subsequent sections

5. Amend page 23, section 17, subsection (1), line 21.

Following: "administration"

Insert: "and the state fire marshal"

6. Amend page 24, section 17, subsection (2), line 5.

Following: "administration"

Insert: "and the state fire marshal"

7. Amend page 25, section 19, line 11.

Following: "administration --"

Strike: "sole"

8. Amend page 25, section 19, line 13.

Following: "except"

Insert: "the state fire marshal and"

9. Amend page 25, section 19, line 14.

Following: "69-2105."

Insert: "The state fire marshal shall assign personnel to the department to review building plans and regulations for conformity with rules promulgated by the state fire marshal and the department of administration."

10. Amend pages 25, 26, and 27, section 20, lines 15 on page 25 through line 4 on page 27.

Strike: section 20 in its entirety

Renumber: subsequent sections

AS AMENDED

NOT BE CONCURRED IN

SENATE BILL NO. 401

INTRODUCED BY LOWE, FLYNN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS REGARDING BUILDING CODES; PROVIDING FOR PROMULGATION OF CODES BY THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTIONS 66-2416, 66-2417, 66-2427, 66-2802, 66-2805.1, 69-2105, 69-2111, 69-2112, 69-2124, 75-8206, 75-8207, ~~82-1201, 82-1202, 82-1202.1, 82-1208, 82-1209, 82-1229, 82-1232,~~ AND 82A-1607, R.C.M. 1947; AND REPEALING SECTIONS 69-4117 AND 69-5507, R.C.M. 1947."

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

Section 1. Section 69-2105, R.C.M. 1947, is amended to read as follows:

"69-2105. Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Municipality" means any incorporated city or town and its jurisdictional area as defined by subsection (12) of this section.

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards,

bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair inspection, or use of buildings and installation of equipment in buildings. The term does not include zoning ordinances.

(3) "Department" means the department of administration provided for in Title 82A, chapter 2.

(4) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates and similar documents, prescribed or required by state or local building regulations.

(5) "State agency" means any state officer, department, board, bureau, commission, or other agency of this state.

(6) "Building" means a combination of any materials, whether mobile, portable, or fixed to form a structure and the related facilities for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof."

(7) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumb-waiters, escalators, and other mechanical

1 additions or installations.

2 (8) "Construction" means the original construction,
3 and equipment of buildings, and requirements or standards
4 relating to or affecting materials used including provisions
5 for safety and sanitary conditions.

6 (9) "Owner" means the owner or owners of the premises
7 or lesser estate, a mortgagee or vendee in possession,
8 assignee of rents, receiver, executor, trustee, lessee or
9 other person, firm, or corporation, in control of a
10 building.

11 (10) "Local legislative body" means the council or
12 commission charged with governing the municipality.

13 (11) "State building code" means the state building
14 code provided for in section 69-2111 or any portion of the
15 code of limited application, and any of its modifications or
16 amendments.

17 (12) "Municipal jurisdictional area" means the area
18 within the limits of an incorporated municipality unless the
19 area is extended at the written request of a municipality.
20 Upon request the council may approve extension of the
21 jurisdictional area to include: (a) all or part of the area
22 within ~~four-end-one-half~~ $\{4\ 1/2\}$ miles of the corporate
23 limits of a municipality; (b) all of any platted subdivision
24 which is partially within ~~four-end-one-half~~ $\{4\ 1/2\}$ miles of
25 the corporate limits of a municipality; and (c) all of any

1 zoning district adopted pursuant to Title 16, chapter 41 or
2 47, R.C.M. 1947, which is partially within ~~four-end-one-half~~
3 $\{4\ 1/2\}$ miles of the corporate limits of a municipality.
4 Distances shall be measured in a straight line in a
5 horizontal plane.

6 (13) "Public place" means any place which a
7 municipality or state maintains for the use of the public,
8 or a place where the public has a right to go and be.

9 ~~{14} "Mobile home" means anything defined as a mobile~~
10 ~~home in the edition of National Fire Protection Association~~
11 ~~{NFPA} Nov 5010 or American National Standards Institute~~
12 ~~{ANSI} A119.1 most recently adopted by the state in~~
13 ~~accordance with section 69-2122.~~

14 ~~{15}{14} "Recreational vehicle" means anything defined~~
15 ~~as a recreational vehicle in the edition of NFPA No. 5010 or~~
16 ~~ANSI A119.2 most recently adopted by the state in accordance~~
17 ~~with section 69-2122."~~

18 Section 2. Section 69-2111, R.C.M. 1947, is amended to
19 read as follows:

20 "69-2111. Adoption of rules by department. (1) The
21 department shall adopt by reference nationally recognized
22 building codes in whole or in part, amend and repeal rules
23 relating to the construction of all buildings or classes of
24 buildings or the installation of equipment in those
25 buildings, and may by rule prescribe standards or

1 requirements for materials to be used in buildings including
2 provisions dealing with safety, sanitation and conservation
3 of energy. The rules, when adopted as provided in this
4 chapter, constitute the "state building code" and shall be
5 acceptable for the buildings to which it is applicable.

6 (2) The department may hold hearings relating to the
7 administration of this act in accordance with the Montana
8 Administrative Procedure Act.

9 (3) Except as provided in subsection (4) of this
10 section, no rule and no amendment or repeal of the state
11 building code shall take effect until after a public hearing
12 by the department.

13 (4) If a hearing has been held by the department of
14 justice with respect to its duties contained in Title 82,
15 chapter 12, the board of plumbers, the department of health
16 and environmental sciences, board of warm air heating,
17 ventilation, and air conditioning, or state electrical
18 board, on a proposed rule relating to building and equipment
19 standards in their respective fields, a public hearing by
20 the department is not required. The proposed rule is
21 effective upon approval of the department and filing with
22 the secretary of state as a part of the state building code.

23 ~~(5) If a rule relating to building or equipment~~
24 ~~standards is proposed by the department of justice with~~
25 ~~respect to its duties contained in Title 82, chapter 12,~~

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

8 Section 3. Section 69-2112, R.C.M. 1947, is amended to
9 read as follows:

10 "69-2112. Municipal building codes -- applicability of
11 state code. (1) The local legislative body of a
12 municipality or county may adopt a municipal building code
13 by ordinance to apply to the municipal or county
14 jurisdictional area. ~~A municipal building code shall require~~
15 ~~standards equal to those of the state building code or~~
16 ~~higher standards. A municipal building code must cover all~~
17 ~~general areas included in the state building code. A~~
18 municipal or county building code may include only codes
19 adopted by the department AND THE STATE FIRE MARSHAL.

20 (2) If a municipality or county does not adopt a
21 ~~municipal~~ building code as provided in subsection (1) of
22 this section, the state building code applies within the
23 municipal or county jurisdictional area and the state will
24 enforce the code in these areas.

25 (3) ~~The department shall determine whether a municipal~~

1 ~~building code has standards equal to those of the state~~
 2 ~~building code or higher standards and notify municipalities~~
 3 ~~immediately if any municipal standards are below the state~~
 4 ~~standards. A county or municipality may not enforce a~~
 5 ~~building code unless the code adopted and a plan for~~
 6 ~~enforcement of the code have been approved by the department~~
 7 HAS BEEN APPROVED BY THE DEPARTMENT AND A PLAN FOR THE
 8 ENFORCEMENT OF THE CODE HAS BEEN FILED WITH THE DEPARTMENT
 9 AND THE STATE FIRE MARSHAL.

10 (4) ~~if a municipal code is adopted, a copy of the code~~
 11 ~~and any amendments to the code shall be filed with the~~
 12 ~~department. The department shall set forth rules and~~
 13 ~~standards governing the certification of municipal and~~
 14 ~~county building code programs as required in subsection~~
 15 ~~(3).~~"

16 Section 4. Section 69-2124, R.C.M. 1947, is amended to
 17 read as follows:

18 "69-2124. Fees. The department shall establish a
 19 schedule of fees for ~~the inspection of plans and~~
 20 ~~specifications for mobile homes or recreational vehicles and~~
 21 ~~for the inspection of individual units and may collect fees~~
 22 for the inspection of plans and specifications and for the
 23 inspection of buildings, factory-built buildings,
 24 recreational vehicles, tramways, or any other facility or
 25 structure. The department may utilize independent testing

1 laboratories or the agencies of other states to determine if
 2 approved models of mobile homes factory-built buildings or
 3 recreational vehicles are being constructed in accordance
 4 with the approved plans and specifications for said models."

5 Section 5. ~~Section 82-1201, R.C.M. 1947, is amended to~~
 6 ~~read as follows:~~

7 "~~82-1201. Creation of office of state fire fire~~
 8 ~~marshal bureau -- fire prevention advisory commission~~
 9 ~~(1) There is an office of state a fire marshal bureau~~
 10 ~~which is under the supervision and control of the~~
 11 ~~commissioner of insurance within the department of~~
 12 ~~administration.~~

13 ~~(2) The state fire marshal shall be appointed by the~~
 14 ~~commissioner of insurance and shall serve at his pleasure~~
 15 ~~employed by the department of administration.~~

16 ~~(3) A person appointed employed as state fire marshal~~
 17 ~~shall:~~

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

20 ~~(b) a degree in engineering from a recognized~~
 21 ~~institution of higher education and two (2) years~~
 22 ~~experience in fire protection; or~~

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

1 ~~{4}--Not--later--than--thirty--(30)--days--after--this--act~~
 2 ~~becomes--effective--the--commissioner--of--insurance--shall~~
 3 ~~appoint--a--fire--prevention--advisory--commission--composed--of~~
 4 ~~the--following--members:~~

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

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

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

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

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

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

17 ~~{g)--The--commissioner--of--insurance;~~

18 ~~After--termination--of--the--initial--term,--all--members~~
 19 ~~shall--be--appointed--for--four--(4)--year--terms--Appointed~~
 20 ~~members--of--the--commission--shall--be--reimbursed--for--meetings~~
 21 ~~at--the--rate--of--twenty--dollars--(\$20)--per--day--plus--actual~~
 22 ~~expenses--including--mileage,--food,--and--lodging. The~~
 23 ~~commissioner--of--insurance--shall--serve--as--chairman,--and--the~~
 24 ~~state--fire--marshal--shall--serve--as--secretary--of--the~~
 25 ~~commission."~~

1 ~~Section--6,--Section--82-1202,--R.E.M. 1947, is amended to~~
 2 ~~read--as--follows:~~

3 ~~"82-1202. Powers of the state fire marshal. The state~~
 4 ~~fire marshal shall:~~

5 ~~{1)--Make--at--least--one--inspection--during--every--year, of~~
 6 ~~each--state--institution, and submit a copy of the report to~~
 7 ~~the--state--department--of--institutions--with--recommendations--in~~
 8 ~~regard--to--fire--prevention, fire protection and to the public~~
 9 ~~safety;~~

10 ~~{2)--Make--at--least--one--inspection--during--every--year, of~~
 11 ~~each--unit--of--the--Montana--university--system, and submit a~~
 12 ~~copy--of--the--report--to--the--executive--secretary--of--the~~
 13 ~~university--system--with--recommendations--in--regard--to--fire~~
 14 ~~prevention, fire protection and to the public safety;~~

15 ~~{3)--Inspect--public, business, or industrial buildings~~
 16 ~~and require conformance to law or rules promulgated under~~
 17 ~~the--provisions--of--this--act;~~

18 ~~{4)--Do--all--things--necessary--and--convenient--for~~
 19 ~~carrying--into--effect--the--fire--prevention--laws--of--this--state~~
 20 ~~governing--this--act--and--may--adopt--necessary--rules--for~~
 21 ~~safeguarding--lives--and--property--from--the--hazards--of--fire--and~~
 22 ~~explosion. Rules shall be adopted as prescribed in the~~
 23 ~~"Montana--Administrative--Procedure--Act". If fire prevention~~
 24 ~~rules--are--violated, the fire marshal may maintain an action~~
 25 ~~to--enjoin--the--use--of--all--or--a--portion--of--a--building--or~~

1 facility or restrain a specific activity until there is
2 compliance with the rules.

3 ~~{5} Rules relating to building and equipment standards
4 covered by the state or a municipal building code are
5 effective after approval by the department of administration
6 and filing with the secretary of state.~~"

7 Section 7. Section 82-1202.1, R.S.M. 1947, is amended
8 to read as follows:

9 "82-1202.1. Rules promulgated by state fire marshal
10 adoption of other standards providing for licensing
11 providing for a penalty for violation. (1) Rules
12 promulgated by the state fire marshal by authority of
13 section 82-1202, R.S.M. 1947, shall be reasonable and
14 calculated to effect the purposes of this act. They shall
15 include but not be limited to requirements for design,
16 construction, installation, operation, storage, handling,
17 maintenance or use of the following: structural requirements
18 for various types of construction; building restrictions
19 within congested districts; exit facilities from structures;
20 fire alarm systems and fire extinguishing systems; fire
21 emergency drills; flue and chimney constructions; heating
22 devices; electrical wiring and equipment; air conditioning;
23 ventilating and other duct systems; refrigeration systems;
24 flammable liquids; oil and gas wells; application of
25 flammable finishes; explosives; acetylene; liquefied

1 petroleum gas and similar products; calcium carbide and
2 acetylene generators; flammable motion picture film;
3 combustible fibres; hazardous chemicals; rubbish; open flame
4 devices; parking of vehicles; dust explosions; lightning
5 protection; and other special fire hazards.

6 ~~{2} If rules relate to building and equipment
7 standards covered by the state or a municipal building code,
8 the rules are effective upon approval of the department of
9 administration and filing with the secretary of state. The
10 rules shall be promulgated by the department of
11 administration.~~

12 ~~{3} Standards of the National Fire Protection
13 Association, UNIFORM FIRE PREVENTION CODE, United States
14 Bureau of Standards, and American Insurance Association
15 Standards may be adopted in whole or in part by reference.~~

16 ~~{4} A natural person must obtain a certificate of
17 registration from the state fire marshal prior to servicing
18 or installing of fire extinguishers, fire alarm systems or
19 fire extinguishing systems. A person or firm must obtain
20 from the fire marshal a permit to sell or a license to
21 install fire extinguishers, fire alarm systems or fire
22 extinguishing systems prior to engaging in such business.~~

23 ~~{5} Applications for licenses, permits or
24 certificates shall be made on a form prescribed by the
25 state fire marshal. The fire marshal shall issue a license~~

1 to an applicant who submits satisfactory proof that he is
 2 properly equipped and staffed to provide the services to be
 3 licensed, and who pays the required fees. The fire marshal
 4 shall issue a certificate of registration to an applicant
 5 who scores a passing grade on an examination devised by the
 6 fire marshal and who pays the required fees. The fire
 7 marshal shall issue a sales permit to an applicant who
 8 submits the information required by the fire marshal on the
 9 application form, who submits satisfactory proof that he
 10 deals only in equipment that meets the standards and
 11 regulations of the state fire marshal, and who pays the
 12 required fees.

13 (b) The state fire marshal may conduct inspections,
 14 examinations or hearings prior to the issuance of licenses,
 15 permits or certificates. The state fire marshal may revoke,
 16 suspend or refuse to issue a license, permit or certificate
 17 for violation of the provisions of this chapter or any rules
 18 and regulations promulgated by the fire marshal under
 19 applicable laws.

20 (c) The state fire marshal or his representative shall
 21 charge a fee not to exceed a total of twenty-five dollars
 22 (\$25) for the inspection and issuance of licenses, permits
 23 and certificates.

24 (d) All fees collected under this section shall be
 25 paid into the general funds.

1 (5) Any person violating any rule made under the
 2 provisions of this section shall be guilty of a
 3 misdemeanor.

4 Section 8, Section 82-1208, R.C.M. 1947, is amended to
 5 read as follows:

6 "82-1208. Special deputy fire marshals acting fire
 7 marshal fire marshal's employees (1) In an emergency
 8 or during the absence or disability of the state fire
 9 marshal, the attorney general, director of the department of
 10 administration may appoint an acting fire marshal, who shall
 11 perform the duties of the office or any duty which may be
 12 assigned to him, such appointment to cease when the
 13 necessity therefor has been relieved.

14 (2) The state fire marshal may appoint special deputy
 15 state fire marshals throughout the state and define their
 16 duties. When performing these duties or attending a training
 17 course conducted by the state fire marshal, special deputy
 18 fire marshals may be paid at a rate not to exceed forty
 19 dollars (\$40) per day plus per diem allowance for expenses
 20 and mileage at the same rates specified for state employees.

21 (3) The fire marshal may appoint assistants and
 22 clerical employees to perform duties as specified by the
 23 marshal to assist in carrying out the duties assigned him by
 24 law.

25 Section 9, Section 82-1229, R.C.M. 1947, is amended to

1 read as follows:

2 "82-1229. ~~Annual reports to commissioner of insurance~~
3 ~~the department of administration.~~ The state fire marshal
4 shall make an annual report to the commissioner of insurance
5 ~~department of administration~~ containing a detailed
6 statement of his official action and the transactions of his
7 department ~~bureau.~~ The commissioner of insurance ~~director~~
8 shall, in turn, submit said report to the governor of the
9 state, with such recommendations and comments thereon as he
10 may deem ~~consider~~ necessary."

11 Section 18. Section 82-1232, R.C.M. 1947, is amended
12 to read as follows:

13 "82-1232. ~~Powers of commissioner of insurance~~
14 ~~department of administration.~~ The powers and authority
15 granted by this act to the state fire marshal are also
16 vested in the commissioner of insurance ~~director of the~~
17 ~~department of administration."~~

18 Section 5. Section 66-2416, R.C.M. 1947, is amended to
19 read as follows:

20 "66-2416. Minimum standards -- state plumbing code --
21 fee for copy of code. (1) The board ~~department of~~
22 ~~administration~~ shall by rule prescribe minimum standards
23 which are uniform and which are thereafter effective for all
24 plumbing installations or maintenance, except where exempt
25 by section 66-2426. Upon ~~approval of~~ the department of

1 ~~administration, department of health and environmental~~
2 ~~sciences and the attorney general, and upon publication, the~~
3 ~~rules become the state plumbing code and have the force of~~
4 ~~law. A copy of the code shall be supplied to each person~~
5 ~~licensed under sections 66-2401 through 66-2411, or any~~
6 ~~other interested person, for an amount equal to the actual~~
7 ~~current cost of the code plus postage.~~

8 (2) ~~Rules relating to building and equipment standards~~
9 ~~covered by the state or a municipal building code are~~
10 ~~effective after approval by the department of administration~~
11 ~~and filing with the secretary of state."~~

12 Section 6. Section 66-2417, R.C.M. 1947, is amended to
13 read as follows:

14 "66-2417. District court -- jurisdiction --
15 restraining orders. The district court of any county has
16 jurisdiction in equity, on application of the board ~~or the~~
17 ~~department of health and environmental sciences department~~
18 ~~of administration~~, to enforce this act and to restrain from
19 connection any new plumbing installations, on finding, after
20 hearing, that the plumbing is inferior to the standards of
21 the state plumbing code."

22 Section 7. Section 66-2427, R.C.M. 1947, is amended to
23 read as follows:

24 "66-2427. Permit fee -- payment -- penalties. (1) It
25 is unlawful for any person to engage in the business, trade,

1 or work having to do with the installation, removal,
2 alteration, or repair of plumbing and drainage systems or
3 parts thereof without first obtaining a permit from the
4 ~~board-of-plumbers~~ department of administration.

5 A separate permit shall be obtained for each building
6 or structure.

7 No person may allow any other person to do or cause to
8 be done any work under a permit secured by the permittee
9 except persons in his employ.

10 (2) No permit is required for any minor replacement or
11 repair work, the performance of which does not have a
12 significant potential for creating a condition hazardous to
13 public health and safety. No permit is required where the
14 installation is exempt under the provisions of section
15 66-2426 or 66-2401. Nothing contained in this act shall
16 prohibit the owner of residential property from making an
17 installation for all sanitary plumbing and potable water
18 supply piping without a permit providing he does the work
19 himself. The provisions of this act do not apply to
20 regularly employed maintenance personnel doing maintenance
21 work on the business premises of their employer unless work
22 is subject to the permit provisions of this act.

23 (3) Persons required by this section to apply for a
24 permit shall make application on forms provided by the ~~board~~
25 department of administration or authorized representative.

1 He shall give a description of the character of the work
2 proposed to be done, and the location, ownership, occupancy
3 and use of the premises in connection therewith. The ~~board~~
4 of-plumbers department of administration or its authorized
5 representative may require sketches, specifications or
6 drawings and such other information it deems necessary in
7 order to determine the scope of the work contemplated.

8 If the ~~board~~ department of administration determines
9 that the sketches, specifications, drawings, descriptions
10 and information furnished by the applicant are in compliance
11 with the state plumbing code, it shall issue the permit
12 applied for upon payment of the required fee as established
13 by the ~~board~~ department of administration.

14 (4) Any person who commences any work for which a
15 permit is required without first obtaining a permit shall,
16 if subsequently permitted to obtain a permit, pay double the
17 permit fee for the work, except that this provision does not
18 apply to emergency work when it is proved to the
19 satisfaction of the ~~board-of-plumbers~~ department of
20 administration or its authorized representative that the
21 work was urgently necessary and that it was not practical to
22 obtain a permit before the commencement of the work. In all
23 such cases, a permit shall be obtained as soon as it is
24 practical to do so, and if there is unreasonable delay in
25 applying for the permit, a double fee shall be charged.

1 For the purpose of this section, a sanitary plumbing
2 outlet on or to which a plumbing fixture or appliance may be
3 set or attached shall be construed to be a fixture. Fees
4 for reconnection and retest of plumbing systems in relocated
5 buildings shall be based on the number of plumbing fixtures,
6 gas systems, water heaters, and the like involved.

7 When a permit has been obtained to connect an existing
8 building or existing work to the public sewer or to connect
9 to a new private disposal facility, backfilling of private
10 sewage disposal facilities abandoned consequent to the
11 connection is included in the permit.

12 The ~~board of plumbers~~ department of administration
13 shall establish permit fees in accordance with the Montana
14 Administrative Procedure Act and the fees shall be deposited
15 to the earmarked revenue fund of the ~~board of plumbers~~
16 department of administration for use in the administration
17 and enforcement of this act and the Montana state plumbing
18 code.

19 (5) All plumbing and drainage systems may be inspected
20 by the ~~board of plumbers~~ department of administration or
21 their authorized representative to insure compliance with
22 the requirements of the state plumbing code.

23 (6) It is the duty of the person doing work authorized
24 by the permit to notify the ~~board~~ department of
25 administration orally or in writing, that the work is ready

1 for inspection. The notification shall be given not less
2 than ~~twenty-four--{24}~~ hours before the work is to be
3 inspected.

4 It is the duty of the person doing the work authorized
5 by the permit to ensure that the work performed before
6 notification and after notification pending inspection
7 complies with the state plumbing code.

8 (7) Whenever any work is being done contrary to the
9 provisions of the state plumbing code, the ~~board~~ department
10 of administration or its authorized representative may,
11 after a hearing conducted under the provisions of the
12 Montana Administrative Procedure Act, order work stopped by
13 notice in writing served on any person engaged in the work.

14 (8) The ~~board~~ department of administration may suspend
15 or revoke a permit, whenever it is issued in error or on the
16 basis of incorrect information supplied, or work performed
17 thereunder is in violation of any of the provisions of Title
18 66, chapter 24~~y~~-R.C.M.-1947."

19 Section 8. Section 66-2802, R.C.M. 1947, is amended to
20 read as follows:

21 "66-2802. Purpose. (1) The purpose of this act is to
22 protect the health and safety of the people of this state
23 from the danger of electrically caused shocks, fires, and
24 explosions; to protect property from the hazard of
25 electrically caused fires and explosions; to establish a

1 procedure for determining where and by whom electrical
 2 installations are to be made; to assure the public that
 3 persons making electrical installations are qualified; and
 4 to insure that the electrical installations and electrical
 5 products made and sold in this state meet minimum safety
 6 standards. All installations in this state of wires and
 7 equipment to convey electric current and installations of
 8 apparatus to be operated by current, except as provided in
 9 section 66-2812, shall be made substantially in accord with
 10 ~~the National Electrical Code, as approved by the American~~
 11 ~~standards association relating to this work as far as it~~
 12 ~~covers fire and personal injury hazards, and as the National~~
 13 ~~Electrical Code shall be amended. The standards as set forth~~
 14 ~~in the National Electrical Code shall be prima facie~~
 15 ~~evidence of minimum approved methods of construction for~~
 16 ~~safety to life and property. The affirmative vote of a~~
 17 ~~majority of all appointed members of the board shall be~~
 18 ~~required to set any standards that are more stringent than~~
 19 ~~those set forth in the National Electrical Code building~~
 20 ~~codes adopted by the department of administration.~~

21 (2) Rules and standards relating to buildings and
 22 equipment covered by the state or a municipal building code
 23 are not effective until approved by the department of
 24 administration and filed with the secretary of state shall
 25 be promulgated by the department of administration."

1 Section 9. Section 66-2805.1, R.C.M. 1947, is amended
 2 to read as follows:

3 "66-2805.1. Department — inspections — tags.
 4 (1) The department of administration shall make inspections
 5 of electrical installations, issue inspection tags for these
 6 installations, and establish and charge a reasonable and
 7 uniform fee for the inspections, which may not exceed the
 8 expense of providing the inspection.

9 (2) Individuals, firms, cooperatives, corporations, or
 10 municipalities selling electricity are power suppliers.
 11 Power suppliers may not connect with or energize an
 12 electrical installation, under this act, unless the owner or
 13 a licensed electrical contractor has delivered to the power
 14 supplier an inspection tag covering the installation, issued
 15 by the department of administration.

16 (3) Immediately after an installation has been
 17 energized, the power supplier shall deliver to the
 18 department of administration the inspection tag covering the
 19 installation.

20 (4) It is unlawful for a person, partnership, company,
 21 firm, association, or corporation, other than a power
 22 supplier, to energize an electrical installation under this
 23 act, unless an application for an inspection tag covering
 24 the installation, together with the inspection fee, has been
 25 forwarded to the department of administration."

1 Section 10. Section 82A-1607, R.C.M. 1947, is amended
2 to read as follows:

3 "82A-1607. Electrical inspections and code making. The
4 functions of the department of law enforcement and public
5 safety of making inspections of electrical installations and
6 issuing tags and charging fees therefor as set forth in
7 section 66-2805(c)(i) and of establishing an electrical code
8 as set forth in section 66-2802(i), which were transferred
9 to the department in section 82A-1203, are transferred to
10 the department of professional and occupational licensing
11 and the board of electricians, subject to the provisions of
12 this act administration."

13 Section 11. Section 75-8206, R.C.M. 1947, is amended
14 to read as follows:

15 "75-8206. Review and approval of school building plans
16 and specifications. (1) No school building in the state,
17 either publicly or privately owned or operated, shall be
18 built, enlarged, remodeled, or repaired until the plans and
19 specifications for such construction have been submitted to
20 the state board of health and the state fire marshal, and
21 such public agencies have endorsed their approval on such
22 plans and specifications and approved by the department of
23 administration AND THE STATE FIRE MARSHAL.

24 (2) The plans and specifications shall show in detail
25 the proposed construction of the building and shall

1 illustrate and indicate conformity with the regulations of
2 the board of health and of the state fire marshal. The plans
3 and specifications shall be prepared in accordance with the
4 regulations of the board of health of the state of Montana,
5 the regulations of the Montana state fire marshal, and the
6 building code promulgated by the state building code council
7 rules promulgated by the department of administration AND
8 THE STATE FIRE MARSHAL.

9 (3) As a service to districts, the superintendent of
10 public instruction shall may review the plans and
11 specifications submitted to the board of health department
12 of administration to assist the districts in designing
13 facilities for optimum utilization."

14 Section 12. Section 75-8207, R.C.M. 1947, is amended
15 to read as follows:

16 "75-8207. Regulations of board of health. (1) The
17 state board of health shall adopt regulations prescribing
18 the requirements for school sites, school buildings,
19 ventilation, heating, lighting, water supply, sewage and
20 waste disposal, and any other matters pertinent to the
21 health and physical wellbeing of the pupils, teachers, and
22 others who frequent schools. Such regulations of the state
23 board of health shall require:

24 (1) at least fifteen (15) square feet of floor space
25 and two hundred (200) cubic feet of air space for each pupil

1 to be accommodated in each classroom†

2 ~~{2}--a system of ventilation which shall be adequate to~~
3 ~~produce satisfactory conditions of air in all rooms of the~~
4 ~~building at all times and under all conditions†~~

5 ~~{3}--a ventilation system of fire-resistant material~~
6 ~~and construction† and~~

7 ~~{4}--a system of lighting all parts of the building~~
8 ~~that will produce an adequate quality and quantity of~~
9 ~~illumination at all times†~~

10 {2} The state board of health shall furnish to the
11 districts copies of such regulations.†

12 Section 13. There is a new R.C.M. section numbered
13 69-2125 that reads as follows:

14 69-2125. Department of administration -- sole
15 authority to promulgate building regulations. No state
16 agency except THE STATE FIRE MARSHAL AND the department of
17 administration may promulgate building regulations as
18 defined in 69-2105. THE STATE FIRE MARSHAL SHALL ASSIGN
19 PERSONNEL TO THE DEPARTMENT TO REVIEW BUILDING PLANS AND
20 REGULATIONS FOR CONFORMITY WITH RULES PROMULGATED BY THE
21 STATE FIRE MARSHAL AND THE DEPARTMENT OF ADMINISTRATION.

22 ~~SECTION 20. -- SECTION -- 02-1209 -- R.C.M. 1947 -- IS AMENDED~~
23 ~~TO READ AS FOLLOWS†~~

24 ~~*02-1209 -- investigation of fires arson investigation~~
25 ~~bureau -- powers and duties† {1} -- there is an arson~~

1 ~~investigation bureau within the department of justice. The~~
2 ~~bureau consists of a chief investigator and two deputies†~~
3 ~~The bureau has full investigative subpoena power in arson~~
4 ~~related matters and the chief investigator has authority to~~
5 ~~appoint special deputy investigators in the same manner as~~
6 ~~special deputy fire marshals are appointed in section~~
7 ~~02-1209. Upon request, the state fire marshal shall~~
8 ~~cooperate fully with the bureau†~~

9 ~~{1}{2} The cause, origin, and circumstances of each~~
10 ~~fire by which property has been destroyed or damaged shall~~
11 ~~be investigated to determine the exact cause and~~
12 ~~circumstances. The state fire marshal chief arson~~
13 ~~investigator may superintend supervise and direct the~~
14 ~~investigation if he deems it necessary†~~

15 ~~{2}{3} If the fire occurs within a municipality or~~
16 ~~organized fire district, the chief of the fire department~~
17 ~~shall make the investigation. If the fire occurs outside a~~
18 ~~municipality or organized fire district, the county sheriff~~
19 ~~shall make the investigation. If it appears that the fire~~
20 ~~was of suspicious origin or if there was a loss of human~~
21 ~~life, the official responsible for the investigation shall~~
22 ~~notify the state fire marshal bureau within twenty-four {24}~~
23 ~~hours and shall file a written report of the cause with the~~
24 ~~state fire marshal bureau within ten {10} days†~~

25 ~~{3}{4} If the property was insured, as soon as any~~

1 ~~adjustment has been made, a person representing the~~
2 ~~insurance company shall notify the state fire marshal bureau~~
3 ~~of the amount of adjustment and the apparent cause and~~
4 ~~circumstances of the fire on forms furnished by the state~~
5 ~~fire marshal bureau.~~

6 ~~(4)15) Each official responsible for investigating~~
7 ~~fires shall file a fire incident report on each and every~~
8 ~~fire with the state fire marshal bureau. Reports shall be~~
9 ~~on forms and shall contain information prescribed by the~~
10 ~~state fire marshal bureau. These reports shall be sent to~~
11 ~~the state fire marshal on a weekly basis."~~

12 Section 14. Saving clause. This act does not affect
13 rights and duties that matured, penalties that were
14 incurred, or proceedings that were begun before the
15 effective date of this act.

16 Section 15. Severability. If a part of this act is
17 invalid, all valid parts that are severable from the invalid
18 part remain in effect. If a part of this act is invalid in
19 one or more of its applications, the part remains in effect
20 in all valid applications that are severable from the
21 invalid applications.

22 Section 16. Repealer. Section 69-4117 and 69-5507 are
23 repealed.

-End-

SENATE BILL NO. 401

INTRODUCED BY LOWE, FLYNN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS REGARDING BUILDING CODES; PROVIDING FOR PROMULGATION OF CODES BY THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTIONS 66-2416, 66-2417, 66-2427, 65-2802, 66-2805.1, 69-2105, 69-2111, 69-2112, 69-2124, 75-8206, 75-8207, ~~82-1201, 82-1202, 82-1202.1, 82-1208, 82-1209, 82-1229, 82-1232,~~ AND 82A-1607, R.C.M. 1947; AND REPEALING SECTIONS 69-4117 AND 69-5507, R.C.M. 1947."

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

Section 1. Section 69-2105, R.C.M. 1947, is amended to read as follows:

"69-2105. Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Municipality" means any incorporated city or town and its jurisdictional area as defined by subsection (12) of this section.

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards,

bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair inspection, or use of buildings and installation of equipment in buildings. The term does not include zoning ordinances.

(3) "Department" means the department of administration provided for in Title 82A, chapter 2.

(4) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates and similar documents, prescribed or required by state or local building regulations.

(5) "State agency" means any state officer, department, board, bureau, commission, or other agency of this state.

(6) "Building" means a combination of any materials, whether mobile, portable, or fixed to form a structure and the related facilities for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof."

(7) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumb-waiters, escalators, and other mechanical

1 additions or installations.

2 (8) "Construction" means the original construction,
3 and equipment of buildings, and requirements or standards
4 relating to or affecting materials used including provisions
5 for safety and sanitary conditions.

6 (9) "Owner" means the owner or owners of the premises
7 or lesser estate, a mortgagee or vendee in possession,
8 assignee of rents, receiver, executor, trustee, lessee or
9 other person, firm, or corporation, in control of a
10 building.

11 (10) "Local legislative body" means the council or
12 commission charged with governing the municipality.

13 (11) "State building code" means the state building
14 code provided for in section 69-2111 or any portion of the
15 code of limited application, and any of its modifications or
16 amendments.

17 (12) "Municipal jurisdictional area" means the area
18 within the limits of an incorporated municipality unless the
19 area is extended at the written request of a municipality.
20 Upon request the council may approve extension of the
21 jurisdictional area to include: (a) all or part of the area
22 within ~~four-and-one-half~~ {4 1/2} miles of the corporate
23 limits of a municipality; (b) all of any platted subdivision
24 which is partially within ~~four-and-one-half~~ {4 1/2} miles of
25 the corporate limits of a municipality; and (c) all of any

1 zoning district adopted pursuant to Title 16, chapter 41 or
2 47, R.C.M.-1947, which is partially within ~~four-and-one-half~~
3 {4 1/2} miles of the corporate limits of a municipality.
4 Distances shall be measured in a straight line in a
5 horizontal plane.

6 (13) "Public place" means any place which a
7 municipality or state maintains for the use of the public,
8 or a place where the public has a right to go and be.

9 ~~{14} "Mobile home" means anything defined as a mobile~~
10 ~~home in the edition of National Fire Protection Association~~
11 ~~{NFPA} No. 501B or American National Standards Institute~~
12 ~~{ANSI} A119.1 most recently adopted by the state in~~
13 ~~accordance with section 69-2122.~~

14 ~~{15}~~ {14} "Recreational vehicle" means anything defined
15 as a recreational vehicle in the edition of NFPA No. 501C or
16 ANSI A119.2 most recently adopted by the state in accordance
17 with section 69-2122."

18 Section 2. Section 69-2111, R.C.M. 1947, is amended to
19 read as follows:

20 "69-2111. Adoption of rules by department. (1) The
21 department shall adopt by reference nationally recognized
22 building codes in whole or in part, amend and repeal rules
23 relating to the construction of all buildings or classes of
24 buildings or the installation of equipment in those
25 buildings, and may by rule prescribe standards or

1 requirements for materials to be used in buildings including
 2 provisions dealing with safety, sanitation and conservation
 3 of energy. The rules, when adopted as provided in this
 4 chapter, constitute the "state building code" and shall be
 5 acceptable for the buildings to which it is applicable.

6 (2) The department may hold hearings relating to the
 7 administration of this act in accordance with the Montana
 8 Administrative Procedure Act.

9 (3) Except as provided in subsection (4) of this
 10 section, no rule and no amendment or repeal of the state
 11 building code shall take effect until after a public hearing
 12 by the department.

13 (4) If a hearing has been held by the department of
 14 justice with respect to its duties contained in Title 82,
 15 chapter 12, the board of plumbers, the department of health
 16 and environmental sciences, board of warm air heating,
 17 ventilation, and air conditioning, or state electrical
 18 board, on a proposed rule relating to building and equipment
 19 standards in their respective fields, a public hearing by
 20 the department is not required. The proposed rule is
 21 effective upon approval of the department and filing with
 22 the secretary of state as a part of the state building code.

23 ~~(5) If a rule relating to building or equipment~~
 24 ~~standards is proposed by the department of justice with~~
 25 ~~respect to its duties contained in Title 82, chapter 12,~~

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

8 Section 3. Section 69-2112, R.C.M. 1947, is amended to
 9 read as follows:

10 "69-2112. Municipal building codes -- applicability of
 11 state code. (1) The local legislative body of a
 12 municipality or county may adopt a municipal building code
 13 by ordinance to apply to the municipal or county
 14 jurisdictional area. ~~A municipal building code shall require~~
 15 ~~standards equal to those of the state building code or~~
 16 ~~higher standards. A municipal building code must cover all~~
 17 ~~general areas included in the state building codes. A~~
 18 municipal or county building code may include only codes
 19 adopted by the department AND THE STATE FIRE MARSHAL.

20 (2) If a municipality or county does not adopt a
 21 municipal building code as provided in subsection (1) of
 22 this section, the state building code applies within the
 23 municipal or county jurisdictional area and the state will
 24 enforce the code in these areas.

25 (3) ~~The department shall determine whether a municipal~~

1 ~~building code has standards equal to those of the state~~
 2 ~~building code or higher standards and notify municipalities~~
 3 ~~immediately if any municipal standards are below the state~~
 4 ~~standards. A county or municipality may not enforce a~~
 5 ~~building code unless the code adopted and a plan for~~
 6 ~~enforcement of the code have been approved by the department~~
 7 ~~HAS BEEN APPROVED BY THE DEPARTMENT AND A PLAN FOR THE~~
 8 ~~ENFORCEMENT OF THE CODE HAS BEEN FILED WITH THE DEPARTMENT~~
 9 ~~AND THE STATE FIRE MARSHAL AND A PLAN FOR ENFORCEMENT OF THE~~
 10 ~~CODE HAVE BEEN APPROVED BY FILED WITH THE DEPARTMENT.~~

11 (4) ~~if a municipal code is adopted, a copy of the code~~
 12 ~~and any amendments to the code shall be filed with the~~
 13 ~~department. The department shall set forth rules and~~
 14 ~~standards governing the certification of municipal and~~
 15 ~~county building code programs as required in subsection~~
 16 ~~(3).~~"

17 Section 4. Section 69-2124, R.C.M. 1947, is amended to
 18 read as follows:

19 "69-2124. Fees. The department shall establish a
 20 schedule of fees ~~for the inspection of plans and~~
 21 ~~specifications for mobile homes or recreational vehicles and~~
 22 ~~for the inspection of individual units and may collect fees~~
 23 ~~for the inspection of plans and specifications and for the~~
 24 ~~inspection of buildings, factory-built buildings,~~
 25 ~~recreational vehicles, tramways, or any other facility or~~

1 ~~structure.~~ The department may utilize independent testing
 2 laboratories or the agencies of other states to determine if
 3 approved models of mobile homes factory-built buildings or
 4 recreational vehicles are being constructed in accordance
 5 with the approved plans and specifications for said models."

6 Section 5. ~~Section 82-1201, R.C.M. 1947, is amended to~~
 7 ~~read as follows:~~

8 "82-1201. ~~Creation of office of state fire~~ fire
 9 marshal bureau ~~fire prevention advisory commission~~
 10 (1) ~~There is an office of state fire marshal bureau~~
 11 ~~which is under the supervision and control of the~~
 12 ~~commissioner of insurance within the department of~~
 13 ~~administration.~~

14 (2) ~~The state fire marshal shall be appointed by the~~
 15 ~~commissioner of insurance and shall serve at his pleasure~~
 16 ~~employed by the department of administration.~~

17 (3) ~~A person appointed employed as state fire marshal~~
 18 ~~shall~~

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

21 (b) ~~a degree in engineering from a recognized~~
 22 ~~institution of higher education and two (2) years of~~
 23 ~~experience in fire protection or~~

24 (c) ~~a degree from a recognized institution of higher~~
 25 ~~education in fire protection engineering or fire protection~~

1 technology

2 {4}--Not--later--than--thirty--{30}--days--after--this--act

3 becomes--effective--the--commissioner--of--insurance--shall

4 appoint--a--fire--prevention--advisory--commission--composed--of

5 the--following--members:

6 {a)--One--person--representing--the--fire--insurance

7 industry--whose--initial--term--shall--be--for--one--{1}--year;

8 {b)--One--person--representing--industry--whose--initial

9 term--shall--be--for--one--{1}--year;

10 {c)--One--person--representing--full--time--paid--fire

11 departments--whose--initial--term--shall--be--for--two--{2}--years;

12 {d)--One--person--representing--volunteer--fire--departments

13 whose--initial--term--shall--be--for--two--{2}--years;

14 {e)--One--person--representing--architects--of--the--state

15 whose--initial--term--shall--be--for--three--{3}--years;

16 {f)--One--person--representing--the--public--whose--initial

17 term--shall--be--for--four--{4}--years;

18 {g)--The--commissioner--of--insurance.

19 After--termination--of--the--initial--term--all--members

20 shall--be--appointed--for--four--{4}--year--terms--Appointed

21 members--of--the--commission--shall--be--reimbursed--for--meetings

22 at--the--rate--of--twenty--dollars--{20}--per--day--plus--actual

23 expenses--including--mileage--food--and--lodging--The

24 commissioner--of--insurance--shall--serve--as--chairman--and--the

25 state--fire--marshal--shall--serve--as--secretary--of--the

1 commissions.

2 Section--6--Section--82--1202--R&E--1947--is--amended--to

3 read--as--follows:

4 "82--1202--Powers--of--the--state--fire--marshal--The--state

5 fire--marshal--shall:

6 {1)--Make--at--least--one--inspection--during--every--year--of

7 each--state--institution--and--submit--a--copy--of--the--report--to

8 the--state--department--of--institutions--with--recommendations--in

9 regard--to--fire--prevention--fire--protection--and--to--the--public

10 safety;

11 {2)--Make--at--least--one--inspection--during--every--year--of

12 each--unit--of--the--Montana--university--system--and--submit--a

13 copy--of--the--report--to--the--executive--secretary--of--the

14 university--system--with--recommendations--in--regard--to--fire

15 prevention--fire--protection--and--to--the--public--safety;

16 {3)--Inspect--public--business--or--industrial--buildings

17 and--require--conformance--to--law--or--rules--promulgated--under

18 the--provisions--of--this--act;

19 {4)--Do--all--things--necessary--and--convenient--for

20 carrying--into--effect--the--fire--prevention--laws--of--this--state

21 governing--this--act--and--may--adopt--necessary--rules--for

22 safeguarding--lives--and--property--from--the--hazards--of--fire--and

23 explosions--Rules--shall--be--adopted--as--prescribed--in--the

24 "Montana--Administrative--Procedure--Act"--If--fire--prevention

25 rules--are--violated--the--fire--marshal--may--maintain--an--action

1 to enjoin the use of all or a portion of a building or
2 facility or restrain a specific activity until there is
3 compliance with the rules.

4 (5) 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 Section 7, Section 02-1202, R.C.M. 1947, is amended
9 to read as follows:

10 "02-1202 is Rules promulgated by state fire marshal
11 adoption of other standards providing for licensing
12 providing for a penalty for violations. (1) Rules
13 promulgated by the state fire marshal by authority of
14 section 02-1202, R.C.M. 1947, shall be reasonable and
15 calculated to effect the purposes of this act. They shall
16 include but not be limited to requirements for design
17 construction, installation, operation, storage, handling,
18 maintenance or use of the following: structural requirements
19 for various types of construction; building restrictions
20 within congested districts; exit facilities from structures;
21 fire alarm systems and fire extinguishing systems; fire
22 emergency drills; flue and chimney construction; heating
23 devices; electrical wiring and equipment; air conditioning,
24 ventilating and other duct systems; refrigeration systems;
25 flammable liquids, oil and gas wells; application of

1 flammable finishes; explosives; acetylene; liquefied
2 petroleum gas and similar products; calcium carbide and
3 acetylene generators; flammable motion picture film;
4 combustible fibres; hazardous chemicals; rubbish; open flame
5 devices; parking of vehicles; dust explosions; lightning
6 protection; and other special fire hazards.

7 (2) If rules relate to building and equipment
8 standards covered by the state or a municipal building code,
9 the rules are effective upon approval of the department of
10 administration and filing with the secretary of state. ~~the~~
11 ~~rules shall be promulgated by the department of~~
12 ~~administration.~~

13 (3) Standards of the National Fire Protection
14 Association, UNIFORM FIRE PREVENTION CODE, United States
15 Bureau of Standards, and American Insurance Association
16 Standards may be adopted in whole or in part by reference.

17 (4) A natural person must obtain a certificate of
18 registration from the state fire marshal prior to servicing
19 or installing of fire extinguishers, fire alarm systems or
20 fire extinguishing systems. A person or firm must obtain
21 from the fire marshal a permit to sell or a license to
22 install fire extinguishers, fire alarm systems or fire
23 extinguishing systems prior to engaging in such business.

24 (6) Applications for licenses, permits or
25 certificates shall be made on a form prescribed by the

1 state fire marshal. The fire marshal shall issue a license
 2 to an applicant who submits satisfactory proof that he is
 3 properly equipped and staffed to provide the services to be
 4 licensed, and who pays the required fees. The fire marshal
 5 shall issue a certificate of registration to an applicant
 6 who scores a passing grade on an examination devised by the
 7 fire marshal, and who pays the required fees. The fire
 8 marshal shall issue a sales permit to an applicant who
 9 submits the information required by the fire marshal on the
 10 application form, who submits satisfactory proof that he
 11 deals only in equipment that meets the standards and
 12 regulations of the state fire marshal, and who pays the
 13 required fees.

14 (b) The state fire marshal may conduct inspections,
 15 examinations or hearings prior to the issuance of licenses,
 16 permits or certificates. The state fire marshal may revoke,
 17 suspend or refuse to issue a license, permit or certificate
 18 for violation of the provisions of this chapter or any rules
 19 and regulations promulgated by the fire marshal under
 20 applicable laws.

21 (c) The state fire marshal or his representative shall
 22 charge a fee, not to exceed a total of twenty-five dollars
 23 (\$25) for the inspection and issuance of licenses, permits
 24 and certificates.

25 (d) All fees collected under this section shall be

1 paid into the general fund.

2 (5) Any person violating any rule made under the
 3 provisions of this section shall be guilty of a
 4 misdemeanor.

5 Section 8, Section 82-1208, RvCvMv 1947, is amended to
 6 read as follows:

7 "82-1208. Special deputy fire marshals acting fire
 8 marshal, fire marshal's employees (1) In an emergency
 9 or during the absence or disability of the state fire
 10 marshal, the attorney general, director of the department of
 11 administration may appoint an acting fire marshal who shall
 12 perform the duties of the office or any duty which may be
 13 assigned to him; such appointment to cease when the
 14 necessity therefor has been relieved.

15 (2) The state fire marshal may appoint special deputy
 16 state fire marshals throughout the state and define their
 17 duties. When performing these duties or attending a training
 18 course conducted by the state fire marshal, special deputy
 19 fire marshals may be paid at a rate not to exceed forty
 20 dollars (\$40) per day plus per diem allowance for expenses
 21 and mileage at the same rates specified for state employees.

22 (3) The fire marshal may appoint assistants and
 23 clerical employees to perform duties as specified by the
 24 marshal to assist in carrying out the duties assigned him by
 25 law.

1 Section 9. ~~Section 82-1229, R.C.M. 1947, is amended to~~
2 read as follows:

3 "82-1229. ~~Annual reports to commissioner of insurance~~
4 ~~the department of administration. The state fire marshal~~
5 ~~shall make an annual report to the commissioner of insurance~~
6 ~~department of administration containing a detailed~~
7 ~~statement of his official action and the transactions of his~~
8 ~~department bureau. The commissioner of insurance director~~
9 ~~shall in turn submit said report to the governor of the~~
10 ~~state with such recommendations and comments thereon as he~~
11 ~~may deem consider necessary."~~

12 Section 10. ~~Section 82-1232, R.C.M. 1947, is amended~~
13 ~~to read as follows:~~

14 "82-1232. ~~Powers of commissioner of insurance~~
15 ~~department of administration. The powers and authority~~
16 ~~granted by this act to the state fire marshal are also~~
17 ~~vested in the commissioner of insurance director of the~~
18 ~~department of administration."~~

19 Section 5. Section 66-2416, R.C.M. 1947, is amended to
20 read as follows:

21 "66-2416. Minimum standards -- state plumbing code --
22 fee for copy of code. {1} The board department of
23 administration shall by rule prescribe minimum standards
24 which are uniform and which are thereafter effective for all
25 plumbing installations or maintenance, except where exempt

1 by section 66-2426. Upon approval of the department of
2 administration, department of health and environmental
3 sciences and the attorney general, and upon publication, the
4 rules become the state plumbing code and have the force of
5 law. A copy of the code shall be supplied to each person
6 licensed under sections 66-2401 through 66-2411 or any
7 other interested person for an amount equal to the actual
8 current cost of the code plus postage.

9 {2} Rules relating to building and equipment standards
10 covered by the state or a municipal building code are
11 effective after approval by the department of administration
12 and filing with the secretary of state."

13 Section 6. Section 66-2417, R.C.M. 1947, is amended to
14 read as follows:

15 "66-2417. District court -- jurisdiction --
16 restraining orders. The district court of any county has
17 jurisdiction in equity, on application of the board or the
18 department of health and environmental sciences department
19 of administration, to enforce this act and to restrain from
20 connection any new plumbing installations, on finding, after
21 hearing, that the plumbing is inferior to the standards of
22 the state plumbing code."

23 Section 7. Section 66-2427, R.C.M. 1947, is amended to
24 read as follows:

25 "66-2427. Permit fee -- payment -- penalties. {1} It

1 is unlawful for any person to engage in the business, trade,
 2 or work having to do with the installation, removal,
 3 alteration, or repair of plumbing and drainage systems or
 4 parts thereof without first obtaining a permit from the
 5 ~~board-of-plumbers~~ department of administration.

6 A separate permit shall be obtained for each building
 7 or structure.

8 No person may allow any other person to do or cause to
 9 be done any work under a permit secured by the permittee
 10 except persons in his employ.

11 (2) No permit is required for any minor replacement or
 12 repair work, the performance of which does not have a
 13 significant potential for creating a condition hazardous to
 14 public health and safety. No permit is required where the
 15 installation is exempt under the provisions of section
 16 66-2426 or 66-2401. Nothing contained in this act shall
 17 prohibit the owner of residential property from making an
 18 installation for all sanitary plumbing and potable water
 19 supply piping without a permit providing he does the work
 20 himself. The provisions of this act do not apply to
 21 regularly employed maintenance personnel doing maintenance
 22 work on the business premises of their employer unless work
 23 is subject to the permit provisions of this act.

24 (3) Persons required by this section to apply for a
 25 permit shall make application on forms provided by the board

1 department of administration or authorized representative.
 2 He shall give a description of the character of the work
 3 proposed to be done, and the location, ownership, occupancy
 4 and use of the premises in connection therewith. The ~~board~~
 5 ~~of-plumbers~~ department of administration or its authorized
 6 representative may require sketches, specifications or
 7 drawings and such other information it deems necessary in
 8 order to determine the scope of the work contemplated.

9 If the ~~board~~ department of administration determines
 10 that the sketches, specifications, drawings, descriptions
 11 and information furnished by the applicant are in compliance
 12 with the state plumbing code, it shall issue the permit
 13 applied for upon payment of the required fee as established
 14 by the ~~board~~ department of administration.

15 (4) Any person who commences any work for which a
 16 permit is required without first obtaining a permit shall,
 17 if subsequently permitted to obtain a permit, pay double the
 18 permit fee for the work, except that this provision does not
 19 apply to emergency work when it is proved to the
 20 satisfaction of the ~~board-of-plumbers~~ department of
 21 administration or its authorized representative that the
 22 work was urgently necessary and that it was not practical to
 23 obtain a permit before the commencement of the work. In all
 24 such cases, a permit shall be obtained as soon as it is
 25 practical to do so, and if there is unreasonable delay in

1 applying for the permit, a double fee shall be charged.

2 For the purpose of this section, a sanitary plumbing
3 outlet on or to which a plumbing fixture or appliance may be
4 set or attached shall be construed to be a fixture. Fees
5 for reconnection and retest of plumbing systems in relocated
6 buildings shall be based on the number of plumbing fixtures,
7 gas systems, water heaters, and the like involved.

8 When a permit has been obtained to connect an existing
9 building or existing work to the public sewer or to connect
10 to a new private disposal facility, backfilling of private
11 sewage disposal facilities abandoned consequent to the
12 connection is included in the permit.

13 The ~~board-of-plumbers~~ department of administration
14 shall establish permit fees in accordance with the Montana
15 Administrative Procedure Act and the fees shall be deposited
16 to the earmarked revenue fund of the ~~board-of-plumbers~~
17 department of administration for use in the administration
18 and enforcement of this act and the Montana state plumbing
19 code.

20 (5) All plumbing and drainage systems may be inspected
21 by the ~~board-of-plumbers~~ department of administration or
22 their authorized representative to insure compliance with
23 the requirements of the state plumbing code.

24 (6) It is the duty of the person doing work authorized
25 by the permit to notify the board department of

1 administration orally or in writing, that the work is ready
2 for inspection. The notification shall be given not less
3 than ~~twenty-four~~ {24} hours before the work is to be
4 inspected.

5 It is the duty of the person doing the work authorized
6 by the permit to ensure that the work performed before
7 notification and after notification pending inspection
8 complies with the state plumbing code.

9 (7) Whenever any work is being done contrary to the
10 provisions of the state plumbing code, the ~~board department~~
11 of administration or its authorized representative may,
12 after a hearing conducted under the provisions of the
13 Montana Administrative Procedure Act, order work stopped by
14 notice in writing served on any person engaged in the work.

15 (8) The ~~board department of administration~~ may suspend
16 or revoke a permit, whenever it is issued in error or on the
17 basis of incorrect information supplied, or work performed
18 thereunder is in violation of any of the provisions of Title
19 66, chapter 24~~v-RvMv~~-1947."

20 Section 8. Section 66-2802, R.C.M. 1947, is amended to
21 read as follows:

22 "66-2802. Purpose. (1) The purpose of this act is to
23 protect the health and safety of the people of this state
24 from the danger of electrically caused shocks, fires, and
25 explosions; to protect property from the hazard of

1 electrically caused fires and explosions; to establish a
 2 procedure for determining where and by whom electrical
 3 installations are to be made; to assure the public that
 4 persons making electrical installations are qualified; and
 5 to insure that the electrical installations and electrical
 6 products made and sold in this state meet minimum safety
 7 standards. All installations in this state of wires and
 8 equipment to convey electric current and installations of
 9 apparatus to be operated by current, except as provided in
 10 section 66-2812, shall be made substantially in accord with
 11 ~~the National Electrical Code, as approved by the American~~
 12 ~~standards association, relating to this work as far as it~~
 13 ~~covers fire and personal injury hazards, and as the National~~
 14 ~~Electrical Code shall be amended, the standards as set forth~~
 15 ~~in the National Electrical Code shall be prima facie~~
 16 ~~evidence of minimum approved methods of construction for~~
 17 ~~safety to life and property. The affirmative vote of a~~
 18 ~~majority of all appointed members of the board shall be~~
 19 ~~required to set any standards that are more stringent than~~
 20 ~~those set forth in the National Electrical Code~~ building
 21 codes adopted by the department of administration.

22 (2) Rules and standards relating to buildings and
 23 equipment ~~covered by the state or a municipal building code~~
 24 ~~are not effective until approved by the department of~~
 25 ~~administration and filed with the secretary of state~~ shall

1 ~~be promulgated by the department of administration.*~~

2 Section 9. Section 66-2805.1, R.C.M. 1947, is amended
 3 to read as follows:

4 "66-2805.1. Department -- inspections -- tags.
 5 (1) The department of administration shall make inspections
 6 of electrical installations, issue inspection tags for these
 7 installations, and establish and charge a reasonable and
 8 uniform fee for the inspections, which may not exceed the
 9 expense of providing the inspection.

10 (2) Individuals, firms, cooperatives, corporations, or
 11 municipalities selling electricity are power suppliers.
 12 Power suppliers may not connect with or energize an
 13 electrical installation, under this act, unless the owner or
 14 a licensed electrical contractor has delivered to the power
 15 supplier an inspection tag covering the installation, issued
 16 by the department of administration.

17 (3) Immediately after an installation has been
 18 energized, the power supplier shall deliver to the
 19 department of administration the inspection tag covering the
 20 installation.

21 (4) It is unlawful for a person, partnership, company,
 22 firm, association, or corporation, other than a power
 23 supplier, to energize an electrical installation under this
 24 act, unless an application for an inspection tag covering
 25 the installation, together with the inspection fee, has been

1 forwarded to the department of administration."

2 Section 10. Section 82A-1607, R.C.M. 1947, is amended
3 to read as follows:

4 "82A-1607. Electrical inspections and code making. The
5 functions of the department of law enforcement and public
6 safety of making inspections of electrical installations and
7 issuing tags and charging fees therefor as set forth in
8 section 66-2805(c)(i) and of establishing an electrical code
9 as set forth in section 66-2802(i), which were transferred
10 to the department in section 82A-1203, are transferred to
11 the department of ~~professional--and--occupational--licensing~~
12 ~~and--the--board--of--electricians, subject to the provisions of~~
13 ~~this act~~ administration."

14 Section 11. Section 75-8206, R.C.M. 1947, is amended
15 to read as follows:

16 "75-8206. Review and approval of school building plans
17 and specifications. (1) No school building in the state,
18 either publicly or privately owned or operated, shall be
19 built, enlarged, remodeled, or repaired until the plans and
20 specifications for such construction have been submitted to
21 ~~the--state--board--of--health--and--the--state--fire--marshal, and~~
22 ~~such public agencies have endorsed their approval on such~~
23 ~~plans--and--specifications and approved by the department of~~
24 ~~administration~~ AND THE STATE FIRE MARSHAL.

25 (2) The plans and specifications shall show in detail

1 the proposed construction of the building and shall
2 illustrate and indicate conformity with the ~~regulations--of~~
3 ~~the--board--of--health--and--of--the--state--fire--marshal, the plans~~
4 ~~and--specifications--shall--be--prepared--in--accordance--with--the~~
5 ~~regulations--of--the--board--of--health--of--the--state--of--Montana,~~
6 ~~the--regulations--of--the--Montana--state--fire--marshal, and the~~
7 ~~building code promulgated by the state building code council~~
8 rules promulgated by the department of administration ~~AND~~
9 ~~THE STATE FIRE MARSHAL.~~

10 (3) As a service to districts, the superintendent of
11 public instruction shall may review the plans and
12 specifications submitted to the ~~board of health~~ department
13 of administration to assist the districts in designing
14 facilities for optimum utilization."

15 Section 12. Section 75-8207, R.C.M. 1947, is amended
16 to read as follows:

17 "75-8207. Regulations of board of health. (1) The
18 state board of health shall adopt regulations prescribing
19 the requirements for school sites, ~~school--buildings,~~
20 ~~ventilation, heating, lighting,~~ water supply, sewage and
21 waste disposal, and any other matters pertinent to the
22 health and physical wellbeing of the pupils, teachers, and
23 others who frequent schools. ~~Such regulations of the state~~
24 ~~board of health shall require~~

25 ~~(1) at least fifteen (15) square feet of floor space~~

1 ~~and two hundred (200) cubic feet of air space for each pupil~~
2 ~~to be accommodated in each classroom~~

3 ~~(2) a system of ventilation which shall be adequate to~~
4 ~~produce satisfactory conditions of air in all rooms of the~~
5 ~~building at all times and under all conditions~~

6 ~~(3) a ventilation system of fire resistant material~~
7 ~~and construction and~~

8 ~~(4) a system of lighting all parts of the building~~
9 ~~that will produce an adequate quality and quantity of~~
10 ~~illumination at all times~~

11 (2) The state board of health shall furnish to the
12 districts copies of such regulations."

13 Section 13. There is a new R.C.M. section numbered
14 69-2125 that reads as follows:

15 69-2125. Department of administration -- sole
16 authority to promulgate building regulations. No state
17 agency except ~~THE STATE FIRE MARSHAL AND~~ the department of
18 administration may promulgate building regulations as
19 defined in 69-2105. EXCEPT THE STATE FIRE MARSHAL MAY
20 PROMULGATE REGULATIONS RELATING TO USE OF BUILDINGS AND
21 INSTALLATION OF EQUIPMENT. THE STATE FIRE MARSHAL SHALL
22 REVIEW BUILDING PLANS AND REGULATIONS FOR CONFORMITY WITH
23 RULES PROMULGATED BY THE DEPARTMENT OF ADMINISTRATION. THE
24 STATE FIRE MARSHAL SHALL ASSIGN PERSONNEL TO THE DEPARTMENT
25 TO REVIEW BUILDING PLANS AND REGULATIONS FOR CONFORMITY WITH

1 ~~RULES PROMULGATED BY THE STATE FIRE MARSHAL AND THE~~
2 ~~DEPARTMENT OF ADMINISTRATION~~

3 ~~SECTION 20. SECTION 02-1209. R.C.M. 1947. IS AMENDED~~
4 ~~IS READ AS FOLLOWS:~~

5 ~~*02-1209. Investigation of fires Arson investigation~~
6 ~~bureau powers and duties. (1) There is an arson~~
7 ~~investigation bureau within the department of justice. The~~
8 ~~bureau consists of a chief investigator and two deputies.~~
9 ~~The bureau has full investigative subpoena power in arson~~
10 ~~related matters and the chief investigator has authority to~~
11 ~~appoint special deputy investigators in the same manner as~~
12 ~~special deputy fire marshals are appointed in section~~
13 ~~02-1200. Upon request, the state fire marshal shall~~
14 ~~cooperate fully with the bureau.~~

15 ~~(1)(2) The cause, origin, and circumstances of each~~
16 ~~fire, in which property has been destroyed or damaged, shall~~
17 ~~be investigated to determine the exact cause and~~
18 ~~circumstances. The state fire marshal chief arson~~
19 ~~investigator may superintend, supervise and direct the~~
20 ~~investigation if he deems it necessary.~~

21 ~~(2)(3) If the fire occurs within a municipality or~~
22 ~~organized fire district, the chief of the fire department~~
23 ~~shall make the investigation. If the fire occurs outside a~~
24 ~~municipality or organized fire district, the county sheriff~~
25 ~~shall make the investigation if it appears that the fire~~

1 was of suspicious origin, or if there was a loss of human
 2 life, the official responsible for the investigation shall
 3 notify the state fire marshal ~~bureau~~ within twenty-four (24)
 4 hours, and shall file a written report of the cause with the
 5 state fire marshal ~~bureau~~ within ten (10) days.

6 ~~(3)(4)~~ If the property was insured, as soon as any
 7 adjustment has been made, a person representing the
 8 insurance company shall notify the state fire marshal ~~bureau~~
 9 of the amount of adjustment and the apparent cause and
 10 circumstances of the fire on forms furnished by the state
 11 fire marshal ~~bureau~~.

12 ~~(4)(5)~~ Each official responsible for investigating
 13 fires shall file a fire incident report on each and every
 14 fire with the state fire marshal ~~bureau~~. Reports shall be
 15 on forms, and shall contain information prescribed by the
 16 state fire marshal ~~bureau~~. These reports shall be sent to
 17 the state fire marshal on a weekly basis.

18 Section 14. Saving clause. This act does not affect
 19 rights and duties that matured, penalties that were
 20 incurred, or proceedings that were begun before the
 21 effective date of this act.

22 Section 15. Severability. If a part of this act is
 23 invalid, all valid parts that are severable from the invalid
 24 part remain in effect. If a part of this act is invalid in
 25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the
 2 invalid applications.

3 Section 16. Repealer. Section 69-4117 and 69-5507 are
 4 repealed.

-End-