

SENATE BILL NO. 193

INTRODUCED BY MANNING, DRISCOLL, LYBECK, HIRSCH

IN THE SENATE

January 23, 1985	Introduced and referred to Committee on State Administration.
February 11, 1985	Committee recommend bill do pass. Report adopted. Statement of Intent attached.
February 12, 1985	Bill printed and placed on members' desks.
February 13, 1985	Second reading, do pass.
February 14, 1985	Considered correctly engrossed.
February 15, 1985	Third reading, passed. Ayes, 44; Noes, 5. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 14, 1985	Committee recommend bill be concurrred in. Report adopted.
March 16, 1985	Second reading, concurrred in.
March 19, 1985	Third reading, concurrred in. Returned to Senate.

IN THE SENATE

March 19, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 STATEMENT OF INTENT

2 SENATE BILL 193

3 Senate State Administration Committee

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5 A statement of intent is required for this bill because
6 section 2 requires the state fire marshal to adopt rules
7 based on nationally recognized standards necessary for
8 safeguarding life and property from the hazards associated
9 with explosives.

10 It is the intent of the legislature that the fire
11 marshal adopt rules based on article 77 of the Uniform Fire
12 Code, international conference of building officials.
13 However, any changes in the Uniform Fire Code must be
14 included in the fire marshal's rules, by amendment, if the
15 fire marshal considers the changes appropriate.

1 SENATE BILL NO. 193

2 INTRODUCED BY R. MANNING, DRISCOLL, LYBECK, HIRSCH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL PROVISIONS ON
5 EXPLOSIVES AND MANDATE THE STATE FIRE MARSHAL TO ADOPT
6 EXPLOSIVES RULES BASED ON NATIONALLY RECOGNIZED STANDARDS;
7 AMENDING SECTIONS 45-8-332 AND 50-3-102, MCA; AND REPEALING
8 SECTIONS 50-38-101 THROUGH 50-38-108, 50-38-201 THROUGH
9 50-38-207, 50-38-211 THROUGH 50-38-215, 50-38-221 THROUGH
10 50-38-223, 50-38-231 THROUGH 50-38-235, AND 50-38-301
11 THROUGH 50-38-304, MCA."

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

14 Section 1. Section 45-8-332, MCA, is amended to read:

15 "45-8-332. Definitions. (1) "Destructive device", as
16 used in this chapter, includes but is not limited to the
17 following weapons:18 (a) a projectile containing an explosive or incendiary
19 material or any other similar chemical substance, including
20 but not limited to that which is commonly known as tracer or
21 incendiary ammunition, except tracer ammunition manufactured
22 for use in shotguns;23 (b) a bomb, grenade, explosive missile, or similar
24 device or a launching device therefor;

25 (c) a weapon of a caliber greater than .60 caliber

1 which fires fixed ammunition or any ammunition therefor,
2 other than a shotgun or shotgun ammunition;3 (d) a rocket, rocket-propelled projectile, or similar
4 device of a diameter greater than 0.60 inch or a launching
5 device therefor and a rocket, rocket-propelled projectile,
6 or similar device containing an explosive or incendiary
7 material or any other similar chemical substance other than
8 the propellant for the device, except devices designed
9 primarily for emergency or distress signaling purposes;10 (e) a breakable container which contains a flammable
11 liquid with a flashpoint of 150 degrees Fahrenheit or less
12 and which has a wick or similar device capable of being
13 ignited, other than a device which is commercially
14 manufactured primarily for the purpose of illumination.15 (2) "Explosive", as used in this chapter, means any
16 explosive defined in ~~50-38-101~~ rules adopted by the state
17 fire marshal pursuant to 50-3-102(3)."

18 Section 2. Section 50-3-102, MCA, is amended to read:

19 "50-3-102. Powers and duties of state fire marshal.

20 (1) For the purpose of reducing the state's fire loss, the
21 state fire marshal shall:22 (a) make at least one inspection a year of each state
23 institution and submit a copy of the report to the
24 department of institutions with recommendations in regard to
25 fire prevention, fire protection, and public safety;

1 (b) make at least one inspection a year of each unit
2 of the Montana university system and submit a copy of the
3 report to the commissioner of higher education with
4 recommendations in regard to fire prevention, fire
5 protection, and public safety;

6 (c) inspect public, business, or industrial buildings
7 and require conformance to law and rules promulgated under
8 the provisions of this chapter;

9 (d) assist local fire and law enforcement authorities
10 in arson investigations and supervise such investigations
11 when, in his judgment, supervision is necessary;

12 (e) review all training programs on investigation of
13 accidental and incendiary fires;

14 (f) provide fire prevention and fire protection
15 information to public officials and the general public;

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

20 (h) be the state entity primarily responsible for
21 promoting fire safety at the state level and to represent
22 the state in structural fire matters;

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

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

4 (k) keep in his office a record of all fires occurring
5 in the state, the origin of the fires, and all facts,
6 statistics, and circumstances relating thereto which have
7 been determined by investigations under the provisions of
8 chapter 63 of this title; and, except for statements of
9 witnesses given during an investigation and information that
10 may be held in confidence under 50-63-403, the record shall
11 be open at all times to public inspection; and

12 (1) make an annual report to the attorney general
13 containing a detailed statement of his official action and
14 the transactions of his department, and the attorney general
15 shall, in turn, submit the report to the governor with such
16 recommendations and comments thereon as he considers
17 necessary.

18 (2) The state fire marshal may:

19 ~~(a)~~ adopt rules necessary for safeguarding life and
20 property from the hazards of fire and explosion and carrying
21 into effect the fire prevention laws of this state; ~~and.~~

22 (3) The state fire marshal shall adopt rules based on
23 nationally recognized standards necessary for safeguarding
24 life and property from the hazards associated with the
25 manufacture, transportation, storage, sale, and use of

1 explosive materials.

2 (b)(4) If necessary to safeguard life and property
3 under rules promulgated pursuant to this section, the state
4 fire marshal may maintain an action to enjoin the use of all
5 or a portion of a building or restrain a specific activity
6 until there is compliance with the rules."

7 NEW SECTION. Section 3. Repealer. Sections 50-38-101
8 through 50-38-108, 50-38-201 through 50-38-207, 50-38-211
9 through 50-38-215, 50-38-221 through 50-38-223, 50-38-231
10 through 50-38-235, and 50-38-301 through 50-38-304, MCA, are
11 repealed.

12 NEW SECTION. Section 4. Extension of authority. Any
13 existing authority of the state fire marshal to make rules
14 on the subject of the provisions of this act is extended to
15 the provisions of this act.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 193

3 Senate State Administration Committee

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A statement of intent is required for this bill because section 2 requires the state fire marshal to adopt rules based on nationally recognized standards necessary for safeguarding life and property from the hazards associated with explosives.

It is the intent of the legislature that the fire marshal adopt rules based on article 77 of the Uniform Fire Code, international conference of building officials. However, any changes in the Uniform Fire Code must be included in the fire marshal's rules, by amendment, if the fire marshal considers the changes appropriate.

THIRD READING

SB 193



SENATE BILL NO. 193

INTRODUCED BY R. MANNING, DRISCOLL, LYBECK, HIRSCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL PROVISIONS ON EXPLOSIVES AND MANDATE THE STATE FIRE MARSHAL TO ADOPT EXPLOSIVES RULES BASED ON NATIONALLY RECOGNIZED STANDARDS; AMENDING SECTIONS 45-8-332 AND 50-3-102, MCA; AND REPEALING SECTIONS 50-38-101 THROUGH 50-38-108, 50-38-201 THROUGH 50-38-207, 50-38-211 THROUGH 50-38-215, 50-38-221 THROUGH 50-38-223, 50-38-231 THROUGH 50-38-235, AND 50-38-301 THROUGH 50-38-304, MCA."

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

Section 1. Section 45-8-332, MCA, is amended to read:

"45-8-332. Definitions. (1) "Destructive device", as used in this chapter, includes but is not limited to the following weapons:

(a) a projectile containing an explosive or incendiary material or any other similar chemical substance, including but not limited to that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;

(b) a bomb, grenade, explosive missile, or similar device or a launching device therefor;

(c) a weapon of a caliber greater than .60 caliber

which fires fixed ammunition or any ammunition therefor, other than a shotgun or shotgun ammunition;

(d) a rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch or a launching device therefor and a rocket, rocket-propelled projectile, or similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed primarily for emergency or distress signaling purposes;

(e) a breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(2) "Explosive", as used in this chapter, means any explosive defined in ~~50-38-101~~ rules adopted by the state fire marshal pursuant to 50-3-102(3)."

Section 2. Section 50-3-102, MCA, is amended to read:

"50-3-102. Powers and duties of state fire marshal.

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

(a) make at least one inspection a year of each state institution and submit a copy of the report to the department of institutions with recommendations in regard to fire prevention, fire protection, and public safety;

1 (b) make at least one inspection a year of each unit
2 of the Montana university system and submit a copy of the
3 report to the commissioner of higher education with
4 recommendations in regard to fire prevention, fire
5 protection, and public safety;

6 (c) inspect public, business, or industrial buildings
7 and require conformance to law and rules promulgated under
8 the provisions of this chapter;

9 (d) assist local fire and law enforcement authorities
10 in arson investigations and supervise such investigations
11 when, in his judgment, supervision is necessary;

12 (e) review all training programs on investigation of
13 accidental and incendiary fires;

14 (f) provide fire prevention and fire protection
15 information to public officials and the general public;

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

20 (h) be the state entity primarily responsible for
21 promoting fire safety at the state level and to represent
22 the state in structural fire matters;

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

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

4 (k) keep in his office a record of all fires occurring
5 in the state, the origin of the fires, and all facts,
6 statistics, and circumstances relating thereto which have
7 been determined by investigations under the provisions of
8 chapter 63 of this title; and, except for statements of
9 witnesses given during an investigation and information that
10 may be held in confidence under 50-63-403, the record shall
11 be open at all times to public inspection; and

12 (1) make an annual report to the attorney general
13 containing a detailed statement of his official action and
14 the transactions of his department, and the attorney general
15 shall, in turn, submit the report to the governor with such
16 recommendations and comments thereon as he considers
17 necessary.

18 (2) The state fire marshal may:
19 ~~(a)~~ adopt rules necessary for safeguarding life and
20 property from the hazards of fire ~~and-explosion~~ and carrying
21 into effect the fire prevention laws of this state; ~~and,~~

22 (3) The state fire marshal shall adopt rules based on
23 nationally recognized standards necessary for safeguarding
24 life and property from the hazards associated with the
25 manufacture, transportation, storage, sale, and use of

1 explosive materials.

2 (b)(4) if if necessary to safeguard life and property
3 under rules promulgated pursuant to this section, the state
4 fire marshal may maintain an action to enjoin the use of all
5 or a portion of a building or restrain a specific activity
6 until there is compliance with the rules."

7 NEW SECTION. Section 3. Repealer. Sections 50-38-101
8 through 50-38-108, 50-38-201 through 50-38-207, 50-38-211
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12 NEW SECTION. Section 4. Extension of authority. Any
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14 on the subject of the provisions of this act is extended to
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-End-

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