

SENATE BILL NO. 242

INTRODUCED BY E. SMITH, TVEIT, HOLLIDAY, MANNING, SPAETH

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE SENATE

January 25, 1985	Introduced and referred to Committee on State Administration.
January 28, 1985	Fiscal Note requested.
February 6, 1985	Fiscal Note returned.
February 13, 1985	Committee recommend bill do pass. Report adopted.
February 14, 1985	Bill printed and placed on members' desks.
February 15, 1985	Second reading, do pass.
February 16, 1985	Considered correctly engrossed.
February 18, 1985	Third reading, passed. Ayes, 48; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
March 13, 1985	New Fiscal Note requested.
March 14, 1985	New Fiscal Note returned.
March 19, 1985	Committee recommend bill be concurrent in. Report adopted.
March 22, 1985	Second reading, concurred in.

March 25, 1985

Third reading, concurred in.

Returned to Senate.

IN THE SENATE

March 25, 1985

Received from House.

March 26, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *242*
 2 INTRODUCED BY *E. Smith Twist Hickey*
 3 *Richard E. Manning* BY REQUEST OF THE DEPARTMENT OF COMMERCE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FROM THE
 6 DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE
 7 THE FUNCTIONS RELATING TO THE STATE BUILDING CODES; AMENDING
 8 SECTIONS 20-6-621, 20-6-622, 50-3-103, 50-60-101, 50-60-504,
 9 50-60-505, 50-60-507 THROUGH 50-60-514, 50-60-603 THROUGH
 10 50-60-607, AND 50-64-102, MCA; AND PROVIDING AN EFFECTIVE
 11 DATE."
 12

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

14 Section 1. Section 20-6-621, MCA, is amended to read:
 15 "20-6-621. Selection of school sites, approval
 16 election, and lease of state lands. (1) The trustees of any
 17 district shall have the authority to select the sites for
 18 school buildings or for other school purposes, but such
 19 selection shall first be approved by the qualified electors
 20 of the district before any contract for the purchase of such
 21 site is entered into by the trustees, except the trustees
 22 shall have the authority to purchase or otherwise acquire
 23 property contiguous to an existing site that is in use for
 24 school purposes without a site approval election.
 25 Furthermore, the trustees may take an option on a site prior

1 to the site approval election.

2 (2) The election for the approval of a site shall be
 3 called under the provisions of 20-20-201 and shall be
 4 conducted in the manner prescribed by this title for school
 5 elections. An elector who may vote at a school site election
 6 shall be qualified to vote under the provisions of
 7 20-20-301. If a majority of those voting at the election
 8 approve the site selection, the trustees shall have the
 9 authority to purchase such sites. A site approval election
 10 shall not be required when the site was specifically
 11 identified in an election at which an additional levy or the
 12 issuance of bonds was approved for the purchase of such
 13 site.

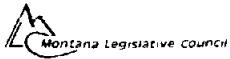
14 (3) Any site for a school building or other building
 15 of the district that is selected or purchased by the
 16 trustees shall:

17 (a) be in a place that is convenient, accessible, and
 18 suitable;

19 (b) comply with the minimum size and other
 20 requirements prescribed by the department of health and
 21 environmental sciences of the state of Montana; and

22 (c) comply with the statewide building regulations, if
 23 any, promulgated by the department of administration
 24 commerce.

25 (4) The board of land commissioners shall have the



-2- INTRODUCED BILL
 SB 242

1 authority to sell, at the appraised value, or to lease for
 2 any period of time less than 99 years, at an amount of \$1
 3 per year, to a district any tract of state land of not more
 4 than 10 acres to be used as a school site in such district."

5 Section 2. Section 20-6-622, MCA, is amended to read:

6 "20-6-622. Review and approval of school building
 7 plans and specifications. (1) No school building, either
 8 publicly or privately owned or operated, in which students
 9 are housed or instructed may be built, enlarged, or
 10 remodeled until the plans and specifications for such
 11 construction have been submitted to and approved by the
 12 department of administration commerce or a municipality or
 13 county with a building code adopted as provided in
 14 50-60-301.

15 (2) The plans and specifications required in
 16 subsection (1) shall show in detail the proposed
 17 construction of the building and shall illustrate and
 18 indicate conformity with the applicable building code.

19 (3) As a service to districts, the superintendent of
 20 public instruction may review the plans and specifications
 21 required in subsection (1) to assist the districts in
 22 designing facilities for optimum utilization."

23 Section 3. Section 50-3-103, MCA, is amended to read:

24 "50-3-103. Rules promulgated by state fire marshal.
 25 (1) Rules promulgated by the state fire marshal by authority

1 of 50-3-102 shall be reasonable and calculated to effect the
 2 purposes of this chapter. They shall include but not be
 3 limited to requirements for design, construction,
 4 installation, operation, storage, handling, maintenance, or
 5 use of structural requirements for various types of
 6 construction; building restrictions within congested
 7 districts; exit facilities from structures; fire alarm
 8 systems and fire extinguishing systems; fire emergency
 9 drills; flue and chimney construction; heating devices;
 10 electrical wiring and equipment; air conditioning,
 11 ventilating, and other duct systems; refrigeration systems;
 12 flammable liquids; oil and gas wells; application of
 13 flammable finishes; explosives, acetylene, liquefied
 14 petroleum gas, and similar products; calcium carbide and
 15 acetylene generators; flammable motion picture film,
 16 combustible fibers; hazardous chemicals; rubbish, open flame
 17 devices; parking of vehicles; dust explosions; lightning
 18 protection; and other special fire hazards.

19 (2) If rules relate to building and equipment
 20 standards covered by the state or a municipal building code,
 21 the rules are effective upon approval of the department of
 22 administration commerce and filing with the secretary of
 23 state.

24 (3) Standards of the national fire protection
 25 association, United States bureau of standards, and American

1 insurance association may be adopted in whole or in part by
2 reference.

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

5 (5) Any person violating any rule made under the
6 provisions of this part shall be guilty of a misdemeanor."

7 Section 4. Section 50-60-101, MCA, is amended to read:
8 "50-60-101. Definitions. As used in parts 1 through 4
9 and part 7 of this chapter, unless the context requires
10 otherwise, the following definitions apply:

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

16 (2) "Building regulations" means any law, rule,
17 resolution, regulation, ordinance, or code, general or
18 special, or compilation thereof enacted or adopted by the
19 state or any municipality, including departments, boards,
20 bureaus, commissions, or other agencies of the state or a
21 municipality relating to the design, construction,
22 reconstruction, alteration, conversion, repair, inspection,
23 or use of buildings and installation of equipment in
24 buildings. The term does not include zoning ordinances.

25 (3) "Construction" means the original construction and

1 equipment of buildings and requirements or standards
2 relating to or affecting materials used, including
3 provisions for safety and sanitary conditions.

4 (4) "Department" means the department of
5 administration commerce provided for in Title 2, Chapter 15,
6 part ~~10~~ 18.

7 (5) "Equipment" means plumbing, heating, electrical,
8 ventilating, air conditioning, and refrigerating equipment,
9 elevators, dumbwaiters, escalators, and other mechanical
10 additions or installations.

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

18 (7) "Local legislative body" means the council or
19 commission charged with governing the municipality.

20 (8) "Municipality" means any incorporated city or town
21 and its jurisdictional area as defined by subsection (9) of
22 this section.

23 (9) (a) "Municipal jurisdictional area" means the area
24 within the limits of an incorporated municipality unless the
25 area is extended at the written request of a municipality.

1 (b) Upon request, the council may approve extension of
2 the jurisdictional area to include:

3 (i) all or part of the area within 4 1/2 miles of the
4 corporate limits of a municipality;

5 (ii) all of any platted subdivision which is partially
6 within 4 1/2 miles of the corporate limits of a
7 municipality; and

8 (iii) all of any zoning district adopted pursuant to
9 Title 76, chapter 2, part 1 or 2, which is partially within
10 4 1/2 miles of the corporate limits of a municipality.

11 (c) Distances shall be measured in a straight line in
12 a horizontal plane.

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

17 (11) "Recreational vehicle" means anything defined as a
18 recreational vehicle in the edition of NFPA No. 501C or ANSI
19 A119.2 most recently adopted by the state in accordance with
20 50-60-401.

21 (12) "State agency" means any state officer,
22 department, board, bureau, commission, or other agency of
23 this state.

24 (13) "State building code" means the state building
25 code provided for in 50-60-203 or any portion of the code of

1 limited application and any of its modifications or
2 amendments."

3 Section 5. Section 50-60-504, MCA, is amended to read:
4 "50-60-504. Department to prescribe minimum standards.
5 The department of administration commerce shall by rule
6 prescribe minimum standards which are uniform and which are
7 thereafter effective for all plumbing installations or
8 maintenance, except where exempt by 50-60-503."

9 Section 6. Section 50-60-505, MCA, is amended to read:
10 "50-60-505. Permit required. (1) It is unlawful for
11 any person to engage in the business, trade, or work having
12 to do with the installation, removal, alteration, or repair
13 of plumbing and drainage systems or parts thereof without
14 first obtaining a permit from the department of
15 administration commerce.

16 (2) A separate permit shall be obtained for each
17 building or structure.

18 (3) No person may allow any other person to do or
19 cause to be done any work under a permit secured by the
20 permittee except persons in his employ.

21 (4) When a permit has been obtained to connect an
22 existing building or existing work to the public sewer or to
23 connect to a new private disposal facility, backfilling of
24 private sewage disposal facilities abandoned consequent to
25 the connection is included in the permit."

1 Section 7. Section 50-60-507, MCA, is amended to read:

2 "50-60-507. Application for and issuance of permit.

3 (1) A person required to apply for a permit shall make
4 application on forms provided by the department of
5 ~~administration~~ commerce or its authorized representative.
6 He shall give a description of the character of the work
7 proposed to be done and the location, ownership, occupancy,
8 and use of the premises in connection therewith.

9 (2) The department or its authorized representative
10 may require sketches, specifications, or drawings and such
11 other information it deems necessary in order to determine
12 the scope of the work contemplated.

13 (3) If the department determines that the sketches,
14 specifications, drawings, descriptions, and information
15 furnished by the applicant are in compliance with the state
16 plumbing code, it shall issue the permit applied for upon
17 payment of the required fee as established by the
18 department."

19 Section 8. Section 50-60-508, MCA, is amended to read:

20 "50-60-508. Permit fees. (1) The department of
21 ~~administration~~ commerce shall establish permit fees in
22 accordance with the Montana Administrative Procedure Act and
23 the fees shall be deposited to the state special revenue
24 fund of the department for use in the administration and
25 enforcement of this part and the Montana state plumbing

1 code.

2 (2) For the purpose of 50-60-505 through 50-60-513, a
3 sanitary plumbing outlet on or to which a plumbing fixture
4 or appliance may be set or attached shall be construed to be
5 a fixture. Fees for reconnection and retest of plumbing
6 systems in relocated buildings shall be based on the number
7 of plumbing fixtures, gas systems, water heaters, and the
8 like involved."

9 Section 9. Section 50-60-509, MCA, is amended to read:

10 "50-60-509. Person commencing work without a permit to
11 pay double the permit fee -- exception. Any person who
12 commences any work for which a permit is required without
13 first obtaining a permit shall, if subsequently permitted to
14 obtain a permit, pay double the permit fee for the work,
15 except that this provision does not apply to emergency work
16 when it is proved to the satisfaction of the department of
17 ~~administration~~ commerce or its authorized representative
18 that the work was urgently necessary and that it was not
19 practical to obtain a permit before the commencement of the
20 work. In all such cases, a permit shall be obtained as soon
21 as it is practical to do so, and if there is unreasonable
22 delay in applying for the permit, a double fee shall be
23 charged."

24 Section 10. Section 50-60-510, MCA, is amended to
25 read:

1 "50-60-510. Inspection by department to insure
2 compliance. All plumbing and drainage systems may be
3 inspected by the department of ~~administration~~ commerce or
4 its authorized representative to insure compliance with the
5 requirements of the state plumbing code."

6 Section 11. Section 50-60-511, MCA, is amended to
7 read:

8 "50-60-511. Duty of permittee regarding inspection and
9 compliance. (1) It is the duty of the person doing work
10 authorized by the permit to notify the department of
11 ~~administration~~ commerce, orally or in writing, that the work
12 is ready for inspection. The notification shall be given not
13 less than 24 hours before the work is to be inspected.

14 (2) It is the duty of the person doing the work
15 authorized by the permit to ensure that the work performed
16 before notification and after notification pending
17 inspection complies with the state plumbing code."

18 Section 12. Section 50-60-512, MCA, is amended to
19 read:

20 "50-60-512. Department authorized to order work
21 stopped for noncompliance. Whenever any work is being done
22 contrary to the provisions of the state plumbing code, the
23 department of ~~administration~~ commerce or its authorized
24 representative may, after a hearing conducted under the
25 provisions of the Montana Administrative Procedure Act,

1 order work stopped by notice in writing served on any person
2 engaged in the work."

3 Section 13. Section 50-60-513, MCA, is amended to
4 read:

5 "50-60-513. Suspension or revocation of permit. The
6 department of ~~administration~~ commerce may suspend or revoke
7 a permit whenever it is issued in error or on the basis of
8 incorrect information supplied or work performed thereunder
9 is in violation of any of the provisions of this part or
10 Title 37, chapter 69."

11 Section 14. Section 50-60-514, MCA, is amended to
12 read:

13 "50-60-514. District court -- jurisdiction --
14 restraining orders. The district court of any county has
15 jurisdiction in equity, on application of the department of
16 ~~administration~~ commerce, to restrain from connection any new
17 plumbing installations on finding, after hearing, that the
18 plumbing is inferior to the standards of the state plumbing
19 code."

20 Section 15. Section 50-60-603, MCA, is amended to
21 read:

22 "50-60-603. Electrical installations to comply with
23 building codes adopted by department. (1) All installations
24 in this state of wires and equipment to convey electric
25 current and installations of apparatus to be operated by

1 current, except as provided in 50-60-602, shall be made
2 substantially in accord with building codes adopted by the
3 department of administration commerce.

4 (2) Rules and standards relating to buildings and
5 equipment shall be promulgated by the department."

6 Section 16. Section 50-60-604, MCA, is amended to
7 read:

8 "50-60-604. Department to make inspections, issue
9 inspection tags, and establish fees. The department of
10 administration commerce shall make inspections of electrical
11 installations, issue inspection tags for these
12 installations, and establish and charge a reasonable and
13 uniform fee for the inspections, which may not exceed the
14 expense of providing the inspection."

15 Section 17. Section 50-60-605, MCA, is amended to
16 read:

17 "50-60-605. Power supplier not to energize
18 installation without inspection tag. Individuals, firms,
19 cooperatives, corporations, or municipalities selling
20 electricity are power suppliers. Except for temporary
21 connections which the department may authorize by rule for a
22 period not exceeding 14 days without a preconnection
23 inspection, power suppliers may not connect with or energize
24 an electrical installation under this part unless the owner
25 or a licensed electrical contractor has delivered to the

1 power supplier an inspection tag covering the installation,
2 issued by the department of administration commerce."

3 Section 18. Section 50-60-606, MCA, is amended to
4 read:

5 "50-60-606. Power supplier to deliver inspection tag
6 to department after installation energized. Immediately
7 after an installation has been energized, the power supplier
8 shall deliver to the department of administration commerce
9 the inspection tag covering the installation."

10 Section 19. Section 50-60-607, MCA, is amended to
11 read:

12 "50-60-607. Unlawful acts. It is unlawful for a
13 person, partnership, company, firm, association, or
14 corporation other than a power supplier to energize an
15 electrical installation under this part unless an
16 application for an inspection tag covering the installation,
17 together with the inspection fee, has been forwarded to the
18 department of administration commerce."

19 Section 20. Section 50-64-102, MCA, is amended to
20 read:

21 "50-64-102. Definitions. As used in this chapter, the
22 following definitions apply:

23 (1) "Department" means the department of
24 administration commerce.

25 (2) "Fibrated product" means a substance used in

1 construction for whatever purpose which contains asbestos
2 fibers which tend to disperse into ambient air during
3 application or upon destruction or removal.

4 (3) "Person" means an individual, firm, corporation,
5 partnership, association, or other legal entity."

6 NEW SECTION. Section 21. Extension of authority. Any
7 existing authority of the department of commerce to make
8 rules on the subject of the provisions of this act is
9 extended to the provisions of this act.

10 NEW SECTION. Section 22. Effective date. This act is
11 effective July 1, 1985.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 243-85

Form BD-15

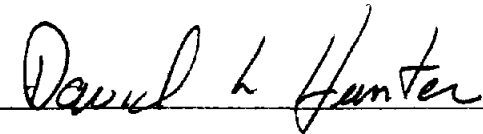
In compliance with a written request received January 28, 19 85, there is hereby submitted a Fiscal Note for S.B. 242 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Transfer the Building Codes Division from the Department of Administration to the Department of Commerce.

ASSUMPTIONS:

1. The transfer of the Building Codes Division to the Department of Commerce will necessitate the addition of 2.5 FTE in the Directors Office/Management Services program. Specifically, 1.0 FTE Programmer/Analyst, 1.0 FTE Accounting Clerk, and .5 FTE Payroll Clerk.
2. The Building Codes Division will utilize the Programmer/Analyst @ 25.00/hr. resulting in charges of at least 32,164 in FY 86 and 28,029 in FY 87.
3. The Directors Office/Management Services program will require an additional 27,585 in FY 86 and 25,315 in FY 87 in indirect revenue to support an accounting clerk and a half-time payroll clerk.
4. The transfer of the Building Codes Division will increase the department total personal services base upon which the indirect cost rate is calculated by 749,871 in FY 86 and 738,189 in FY 87.
5. It will be necessary to add administrative costs to the Building Codes Division because currently no administrative expenses are allocated to it.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 6, 1985

SB242

FISCAL IMPACT:

Expenditures:

	FY 86			FY 87		
	Current	Proposed	Difference	Current	Proposed	Difference
Personal Services	\$ 534,692	\$ 583,986	\$ 49,294	\$ 535,344	\$ 584,638	\$ 49,294
Operating Expenses	157,502	161,957	4,455	95,143	99,193	4,050
Equipment	11,150	17,150	6,000	1,300	1,300	-0-
Administrative Costs	-0-	77,237	77,237	-0-	76,033	76,033
	\$ 703,344	\$ 840,330	\$ 136,986	\$ 631,787	\$ 761,164	\$ 129,377

Revenue:

Proprietary - Programming	\$ 70,131	\$ 102,295	\$ 32,164	\$ 62,901	\$ 90,930	\$ 28,029
Proprietary - Mgmt. Services	633,213	660,798	27,585	568,886	594,201	25,315
State Special Revenue	-0-	77,237	77,237	-0-	76,033	76,033
	\$ 703,344	\$ 840,330	\$ 136,986	\$ 631,787	\$ 761,164	\$ 129,377

STATE OF MONTANA
FISCAL NOTE

Revised
REQUEST NO. FNN 243-85

Form BD-15

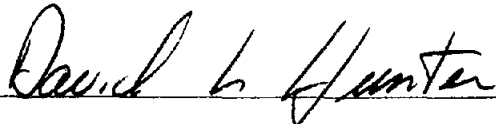
In compliance with a written request received March 13, 19 85, there is hereby submitted a Fiscal Note for Revised Senate Bill 242 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Transfer the Building Codes Division from Department of Administration to the Department of Commerce.

ASSUMPTIONS:

1. It will be necessary to add administrative costs to the Building Codes Division because currently no administrative costs are paid by the Division.
2. The administrative work that is currently being done within the Division will be transferred to the Management Services Division within the Department of Commerce.
3. The costs shown below are the Building Codes Division's share of administrative cost. However, the remainder of the programs within the Department of Commerce will have their portion of administrative costs reduced by an equal amount.
4. It is assumed a fee increase will be necessary for building inspections to generate revenue to cover the current budget, even if there was no transfer. The additional costs for administrative expenses will be recovered through the increase in fees.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: March 14, 1985

Request No. Revised FNN 243-85

Form BD-15 Page 2

FISCAL IMPACT:

On State Special Revenues:

Expenditures:

Additional Administrative Costs

FY 86

\$75,204

FY 87

\$60,721

Revenues:

\$75,204

\$60,721

On All Funds:

Expenditures:

Additional Costs to Building Codes

\$75,204

\$60,721

Reduced Costs to Other Divisions

(\$75,204)

(\$60,721)

Net Additional Costs For Department
of Commerce

0

0

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

Senate BILL NO. *242*

INTRODUCED BY *E. Smith, Trent Helling*
Richard Manning, Scott
BY REQUEST OF THE DEPARTMENT OF COMMERCE

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18 school buildings or for other school purposes, but such
19 selection shall first be approved by the qualified electors
20 of the district before any contract for the purchase of such
21 site is entered into by the trustees, except the trustees
22 shall have the authority to purchase or otherwise acquire
23 property contiguous to an existing site that is in use for
24 school purposes without a site approval election.
25 Furthermore, the trustees may take an option on a site prior

1 to the site approval election.

2 (2) The election for the approval of a site shall be
3 called under the provisions of 20-20-201 and shall be
4 conducted in the manner prescribed by this title for school
5 elections. An elector who may vote at a school site election
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12 issuance of bonds was approved for the purchase of such
13 site.

14 (3) Any site for a school building or other building
15 of the district that is selected or purchased by the
16 trustees shall:

17 (a) be in a place that is convenient, accessible, and
18 suitable;

19 (b) comply with the minimum size and other
20 requirements prescribed by the department, of health and
21 environmental sciences of the state of Montana; and

22 (c) comply with the statewide building regulations, if
23 any, promulgated by the department of administration
24 commerce.

25 (4) The board of land commissioners shall have the



1 authority to sell, at the appraised value, or to lease for
2 any period of time less than 99 years, at an amount of \$1
3 per year, to a district any tract of state land of not more
4 than 10 acres to be used as a school site in such district."

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6 "20-6-622. Review and approval of school building
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22 designing facilities for optimum utilization."

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25 (1) Rules promulgated by the state fire marshal by authority

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2 purposes of this chapter. They shall include but not be
3 limited to requirements for design, construction,
4 installation, operation, storage, handling, maintenance, or
5 use of structural requirements for various types of
6 construction; building restrictions within congested
7 districts; exit facilities from structures; fire alarm
8 systems and fire extinguishing systems; fire emergency
9 drills; flue and chimney construction; heating devices;
10 electrical wiring and equipment; air conditioning,
11 ventilating, and other duct systems; refrigeration systems;
12 flammable liquids; oil and gas wells; application of
13 flammable finishes; explosives, acetylene, liquefied
14 petroleum gas, and similar products; calcium carbide and
15 acetylene generators; flammable motion picture film,
16 combustible fibers; hazardous chemicals; rubbish, open flame
17 devices; parking of vehicles; dust explosions; lightning
18 protection; and other special fire hazards.

19 (2) If rules relate to building and equipment
20 standards covered by the state or a municipal building code,
21 the rules are effective upon approval of the department of
22 administration commerce and filing with the secretary of
23 state.

24 (3) Standards of the national fire protection
25 association, United States bureau of standards, and American

1 insurance association may be adopted in whole or in part by
2 reference.

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

5 (5) Any person violating any rule made under the
6 provisions of this part shall be guilty of a misdemeanor."

7 Section 4. Section 50-60-101, MCA, is amended to read:

8 "50-60-101. Definitions. As used in parts 1 through 4
9 and part 7 of this chapter, unless the context requires
10 otherwise, the following definitions apply:

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

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20 bureaus, commissions, or other agencies of the state or a
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23 or use of buildings and installation of equipment in
24 buildings. The term does not include zoning ordinances.

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1 equipment of buildings and requirements or standards
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3 provisions for safety and sanitary conditions.

4 (4) "Department" means the department of
5 ~~administration~~ commerce provided for in Title 2, chapter 15,
6 part ~~10~~ 18.

7 (5) "Equipment" means plumbing, heating, electrical,
8 ventilating, air conditioning, and refrigerating equipment,
9 elevators, dumbwaiters, escalators, and other mechanical
10 additions or installations.

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

18 (7) "Local legislative body" means the council or
19 commission charged with governing the municipality.

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21 and its jurisdictional area as defined by subsection (9) of
22 this section.

23 (9) (a) "Municipal jurisdictional area" means the area
24 within the limits of an incorporated municipality unless the
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6 He shall give a description of the character of the work
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10 may require sketches, specifications, or drawings and such
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13 (3) If the department determines that the sketches,
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16 when it is proved to the satisfaction of the department of
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25 provisions of the Montana Administrative Procedure Act,

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9 is in violation of any of the provisions of this part or
10 Title 37, chapter 69."

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20 Section 15. Section 50-60-603, MCA, is amended to
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22 "50-60-603. Electrical installations to comply with
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25 current and installations of apparatus to be operated by

1 current, except as provided in 50-60-602, shall be made
2 substantially in accord with building codes adopted by the
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4 (2) Rules and standards relating to buildings and
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8 "50-60-604. Department to make inspections, issue
9 inspection tags, and establish fees. The department of
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13 uniform fee for the inspections, which may not exceed the
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15 Section 17. Section 50-60-605, MCA, is amended to
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17 "50-60-605. Power supplier not to energize
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10 Section 19. Section 50-60-607, MCA, is amended to
11 read:

12 "50-60-607. Unlawful acts. It is unlawful for a
13 person, partnership, company, firm, association, or
14 corporation other than a power supplier to energize an
15 electrical installation under this part unless an
16 application for an inspection tag covering the installation,
17 together with the inspection fee, has been forwarded to the
18 department of administration commerce."

19 Section 20. Section 50-64-102, MCA, is amended to
20 read:

21 "50-64-102. Definitions. As used in this chapter, the
22 following definitions apply:

23 (1) "Department" means the department of
24 administration commerce.

25 (2) "Fibrated product" means a substance used in

1 construction for whatever purpose which contains asbestos
2 fibers which tend to disperse into ambient air during
3 application or upon destruction or removal.

4 (3) "Person" means an individual, firm, corporation,
5 partnership, association, or other legal entity."

6 NEW SECTION. Section 21. Extension of authority. Any
7 existing authority of the department of commerce to make
8 rules on the subject of the provisions of this act is
9 extended to the provisions of this act.

10 NEW SECTION. Section 22. Effective date. This act is
11 effective July 1, 1985.

-End-

1 *Senate* BILL NO. *242*
 2 INTRODUCED BY *E. Smith Trent Helling*
 3 *Richard Manning South*
 4 BY REQUEST OF THE DEPARTMENT OF COMMERCE

5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FROM THE
 6 DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE
 7 THE FUNCTIONS RELATING TO THE STATE BUILDING CODES; AMENDING
 8 SECTIONS 20-6-621, 20-6-622, 50-3-103, 50-60-101, 50-60-504,
 9 50-60-505, 50-60-507 THROUGH 50-60-514, 50-60-603 THROUGH
 10 50-60-607, AND 50-64-102, MCA; AND PROVIDING AN EFFECTIVE
 11 DATE."

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

14 Section 1. Section 20-6-621, MCA, is amended to read:
 15 "20-6-621. Selection of school sites, approval
 16 election, and lease of state lands. (1) The trustees of any
 17 district shall have the authority to select the sites for
 18 school buildings or for other school purposes, but such
 19 selection shall first be approved by the qualified electors
 20 of the district before any contract for the purchase of such
 21 site is entered into by the trustees, except the trustees
 22 shall have the authority to purchase or otherwise acquire
 23 property contiguous to an existing site that is in use for
 24 school purposes without a site approval election.
 25 Furthermore, the trustees may take an option on a site prior

1 to the site approval election.

2 (2) The election for the approval of a site shall be
 3 called under the provisions of 20-20-201 and shall be
 4 conducted in the manner prescribed by this title for school
 5 elections. An elector who may vote at a school site election
 6 shall be qualified to vote under the provisions of
 7 20-20-301. If a majority of those voting at the election
 8 approve the site selection, the trustees shall have the
 9 authority to purchase such sites. A site approval election
 10 shall not be required when the site was specifically
 11 identified in an election at which an additional levy or the
 12 issuance of bonds was approved for the purchase of such
 13 site.

14 (3) Any site for a school building or other building
 15 of the district that is selected or purchased by the
 16 trustees shall:

- 17 (a) be in a place that is convenient, accessible, and
- 18 suitable;
- 19 (b) comply with the minimum size and other
- 20 requirements prescribed by the department of health and
- 21 environmental sciences of the state of Montana; and
- 22 (c) comply with the statewide building regulations, if
- 23 any, promulgated by the department of administration
- 24 commerce.

25 (4) The board of land commissioners shall have the

1 authority to sell, at the appraised value, or to lease for
2 any period of time less than 99 years, at an amount of \$1
3 per year, to a district any tract of state land of not more
4 than 10 acres to be used as a school site in such district."

5 Section 2. Section 20-6-622, MCA, is amended to read:

6 "20-6-622. Review and approval of school building
7 plans and specifications. (1) No school building, either
8 publicly or privately owned or operated, in which students
9 are housed or instructed may be built, enlarged, or
10 remodeled until the plans and specifications for such
11 construction have been submitted to and approved by the
12 department of administration commerce or a municipality or
13 county with a building code adopted as provided in
14 50-60-301.

15 (2) The plans and specifications required in
16 subsection (1) shall show in detail the proposed
17 construction of the building and shall illustrate and
18 indicate conformity with the applicable building code.

19 (3) As a service to districts, the superintendent of
20 public instruction may review the plans and specifications
21 required in subsection (1) to assist the districts in
22 designing facilities for optimum utilization."

23 Section 3. Section 50-3-103, MCA, is amended to read:

24 "50-3-103. Rules promulgated by state fire marshal.

25 (1) Rules promulgated by the state fire marshal by authority

1 of 50-3-102 shall be reasonable and calculated to effect the
2 purposes of this chapter. They shall include but not be
3 limited to requirements for design, construction,
4 installation, operation, storage, handling, maintenance, or
5 use of structural requirements for various types of
6 construction; building restrictions within congested
7 districts; exit facilities from structures; fire alarm
8 systems and fire extinguishing systems; fire emergency
9 drills; flue and chimney construction; heating devices;
10 electrical wiring and equipment; air conditioning,
11 ventilating, and other duct systems; refrigeration systems;
12 flammable liquids; oil and gas wells; application of
13 flammable finishes; explosives, acetylene, liquefied
14 petroleum gas, and similar products; calcium carbide and
15 acetylene generators; flammable motion picture film,
16 combustible fibers; hazardous chemicals; rubbish, open flame
17 devices; parking of vehicles; dust explosions; lightning
18 protection; and other special fire hazards.

19 (2) If rules relate to building and equipment
20 standards covered by the state or a municipal building code,
21 the rules are effective upon approval of the department of
22 administration commerce and filing with the secretary of
23 state.

24 (3) Standards of the national fire protection
25 association, United States bureau of standards, and American

1 insurance association may be adopted in whole or in part by
2 reference.

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

5 (5) Any person violating any rule made under the
6 provisions of this part shall be guilty of a misdemeanor."

7 Section 4. Section 50-60-101, MCA, is amended to read:
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9 and part 7 of this chapter, unless the context requires
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13 the related facilities for the use or occupancy by persons
14 or property. The word "building" shall be construed as
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23 or use of buildings and installation of equipment in
24 buildings. The term does not include zoning ordinances.

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1 equipment of buildings and requirements or standards
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10 NEW SECTION. Section 22. Effective date. This act is
11 effective July 1, 1985.

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1 SENATE BILL NO. 242

2 INTRODUCED BY E. SMITH, TVEIT, HOLLIDAY, MANNING, SPAETH
3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FROM THE
6 DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE
7 THE FUNCTIONS RELATING TO THE STATE BUILDING CODES; AMENDING
8 SECTIONS 20-6-621, 20-6-622, 50-3-103, 50-60-101, 50-60-504,
9 50-60-505, 50-60-507 THROUGH 50-60-514, 50-60-603 THROUGH
10 50-60-607, AND 50-64-102, MCA; AND PROVIDING AN EFFECTIVE
11 DATE."

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

14 Section 1. Section 20-6-621, MCA, is amended to read:

15 "20-6-621. Selection of school sites, approval
16 election, and lease of state lands. (1) The trustees of any
17 district shall have the authority to select the sites for
18 school buildings or for other school purposes, but such
19 selection shall first be approved by the qualified electors
20 of the district before any contract for the purchase of such
21 site is entered into by the trustees, except the trustees
22 shall have the authority to purchase or otherwise acquire
23 property contiguous to an existing site that is in use for
24 school purposes without a site approval election.
25 Furthermore, the trustees may take an option on a site prior

1 to the site approval election.

2 (2) The election for the approval of a site shall be
3 called under the provisions of 20-20-201 and shall be
4 conducted in the manner prescribed by this title for school
5 elections. An elector who may vote at a school site election
6 shall be qualified to vote under the provisions of
7 20-20-301. If a majority of those voting at the election
8 approve the site selection, the trustees shall have the
9 authority to purchase such sites. A site approval election
10 shall not be required when the site was specifically
11 identified in an election at which an additional levy or the
12 issuance of bonds was approved for the purchase of such
13 site.

14 (3) Any site for a school building or other building
15 of the district that is selected or purchased by the
16 trustees shall:

17 (a) be in a place that is convenient, accessible, and
18 suitable;

19 (b) comply with the minimum size and other
20 requirements prescribed by the department of health and
21 environmental sciences of the state of Montana; and

22 (c) comply with the statewide building regulations, if
23 any, promulgated by the department of administration
24 commerce.

25 (4) The board of land commissioners shall have the

1 authority to sell, at the appraised value, or to lease for
 2 any period of time less than 99 years, at an amount of \$1
 3 per year, to a district any tract of state land of not more
 4 than 10 acres to be used as a school site in such district."

5 Section 2. Section 20-6-622, MCA, is amended to read:

6 "20-6-622. Review and approval of school building
 7 plans and specifications. (1) No school building, either
 8 publicly or privately owned or operated, in which students
 9 are housed or instructed may be built, enlarged, or
 10 remodeled until the plans and specifications for such
 11 construction have been submitted to and approved by the
 12 department of ~~administration~~ commerce or a municipality or
 13 county with a building code adopted as provided in
 14 50-60-301.

15 (2) The plans and specifications required in
 16 subsection (1) shall show in detail the proposed
 17 construction of the building and shall illustrate and
 18 indicate conformity with the applicable building code.

19 (3) As a service to districts, the superintendent of
 20 public instruction may review the plans and specifications
 21 required in subsection (1) to assist the districts in
 22 designing facilities for optimum utilization."

23 Section 3. Section 50-3-103, MCA, is amended to read:

24 "50-3-103. Rules promulgated by state fire marshal.

25 (1) Rules promulgated by the state fire marshal by authority

1 of 50-3-102 shall be reasonable and calculated to effect the
 2 purposes of this chapter. They shall include but not be
 3 limited to requirements for design, construction,
 4 installation, operation, storage, handling, maintenance, or
 5 use of structural requirements for various types of
 6 construction; building restrictions within congested
 7 districts; exit facilities from structures; fire alarm
 8 systems and fire extinguishing systems; fire emergency
 9 drills; flue and chimney construction; heating devices;
 10 electrical wiring and equipment; air conditioning,
 11 ventilating, and other duct systems; refrigeration systems;
 12 flammable liquids; oil and gas wells; application of
 13 flammable finishes; explosives, acetylene, liquefied
 14 petroleum gas, and similar products; calcium carbide and
 15 acetylene generators; flammable motion picture film,
 16 combustible fibers; hazardous chemicals; rubbish, open flame
 17 devices; parking of vehicles; dust explosions; lightning
 18 protection; and other special fire hazards.

19 (2) If rules relate to building and equipment
 20 standards covered by the state or a municipal building code,
 21 the rules are effective upon approval of the department of
 22 ~~administration~~ commerce and filing with the secretary of
 23 state.

24 (3) Standards of the national fire protection
 25 association, United States bureau of standards, and American

1 insurance association may be adopted in whole or in part by
2 reference.

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

5 (5) Any person violating any rule made under the
6 provisions of this part shall be guilty of a misdemeanor."

7 Section 4. Section 50-60-101, MCA, is amended to read:

8 "50-60-101. Definitions. As used in parts 1 through 4
9 and part 7 of this chapter, unless the context requires
10 otherwise, the following definitions apply:

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

16 (2) "Building regulations" means any law, rule,
17 resolution, regulation, ordinance, or code, general or
18 special, or compilation thereof enacted or adopted by the
19 state or any municipality, including departments, boards,
20 bureaus, commissions, or other agencies of the state or a
21 municipality relating to the design, construction,
22 reconstruction, alteration, conversion, repair, inspection,
23 or use of buildings and installation of equipment in
24 buildings. The term does not include zoning ordinances.

25 (3) "Construction" means the original construction and

1 equipment of buildings and requirements or standards
2 relating to or affecting materials used, including
3 provisions for safety and sanitary conditions.

4 (4) "Department" means the department of
5 ~~administration~~ commerce provided for in Title 2, chapter 15,
6 part ~~10~~ 18.

7 (5) "Equipment" means plumbing, heating, electrical,
8 ventilating, air conditioning, and refrigerating equipment,
9 elevators, dumbwaiters, escalators, and other mechanical
10 additions or installations.

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

18 (7) "Local legislative body" means the council or
19 commission charged with governing the municipality.

20 (8) "Municipality" means any incorporated city or town
21 and its jurisdictional area as defined by subsection (9) of
22 this section.

23 (9) (a) "Municipal jurisdictional area" means the area
24 within the limits of an incorporated municipality unless the
25 area is extended at the written request of a municipality.

1 (b) Upon request, the council may approve extension of
2 the jurisdictional area to include:

3 (i) all or part of the area within 4 1/2 miles of the
4 corporate limits of a municipality;

5 (ii) all of any platted subdivision which is partially
6 within 4 1/2 miles of the corporate limits of a
7 municipality; and

8 (iii) all of any zoning district adopted pursuant to
9 Title 76, chapter 2, part 1 or 2, which is partially within
10 4 1/2 miles of the corporate limits of a municipality.

11 (c) Distances shall be measured in a straight line in
12 a horizontal plane.

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

17 (11) "Recreational vehicle" means anything defined as a
18 recreational vehicle in the edition of NFPA No. 501C or ANSI
19 A119.2 most recently adopted by the state in accordance with
20 50-60-401.

21 (12) "State agency" means any state officer,
22 department, board, bureau, commission, or other agency of
23 this state.

24 (13) "State building code" means the state building
25 code provided for in 50-60-203 or any portion of the code of

1 limited application and any of its modifications or
2 amendments."

3 Section 5. Section 50-60-504, MCA, is amended to read:
4 "50-60-504. Department to prescribe minimum standards.
5 The department of administration commerce shall by rule
6 prescribe minimum standards which are uniform and which are
7 thereafter effective for all plumbing installations or
8 maintenance, except where exempt by 50-60-503."

9 Section 6. Section 50-60-505, MCA, is amended to read:
10 "50-60-505. Permit required. (1) It is unlawful for
11 any person to engage in the business, trade, or work having
12 to do with the installation, removal, alteration, or repair
13 of plumbing and drainage systems or parts thereof without
14 first obtaining a permit from the department of
15 administration commerce.

16 (2) A separate permit shall be obtained for each
17 building or structure.

18 (3) No person may allow any other person to do or
19 cause to be done any work under a permit secured by the
20 permittee except persons in his employ.

21 (4) When a permit has been obtained to connect an
22 existing building or existing work to the public sewer or to
23 connect to a new private disposal facility, backfilling of
24 private sewage disposal facilities abandoned consequent to
25 the connection is included in the permit."

1 Section 7. Section 50-60-507, MCA, is amended to read:

2 "50-60-507. Application for and issuance of permit.

3 (1) A person required to apply for a permit shall make
4 application on forms provided by the department of
5 administration commerce or its authorized representative.
6 He shall give a description of the character of the work
7 proposed to be done and the location, ownership, occupancy,
8 and use of the premises in connection therewith.

9 (2) The department or its authorized representative
10 may require sketches, specifications, or drawings and such
11 other information it deems necessary in order to determine
12 the scope of the work contemplated.

13 (3) If the department determines that the sketches,
14 specifications, drawings, descriptions, and information
15 furnished by the applicant are in compliance with the state
16 plumbing code, it shall issue the permit applied for upon
17 payment of the required fee as established by the
18 department."

19 Section 8. Section 50-60-508, MCA, is amended to read:

20 "50-60-508. Permit fees. (1) The department of
21 administration commerce shall establish permit fees in
22 accordance with the Montana Administrative Procedure Act and
23 the fees shall be deposited to the state special revenue
24 fund of the department for use in the administration and
25 enforcement of this part and the Montana state plumbing

1 code.

2 (2) For the purpose of 50-60-505 through 50-60-513, a
3 sanitary plumbing outlet on or to which a plumbing fixture
4 or appliance may be set or attached shall be construed to be
5 a fixture. Fees for reconnection and retest of plumbing
6 systems in relocated buildings shall be based on the number
7 of plumbing fixtures, gas systems, water heaters, and the
8 like involved."

9 Section 9. Section 50-60-509, MCA, is amended to read:

10 "50-60-509. Person commencing work without a permit to
11 pay double the permit fee -- exception. Any person who
12 commences any work for which a permit is required without
13 first obtaining a permit shall, if subsequently permitted to
14 obtain a permit, pay double the permit fee for the work,
15 except that this provision does not apply to emergency work
16 when it is proved to the satisfaction of the department of
17 administration commerce or its authorized representative
18 that the work was urgently necessary and that it was not
19 practical to obtain a permit before the commencement of the
20 work. In all such cases, a permit shall be obtained as soon
21 as it is practical to do so, and if there is unreasonable
22 delay in applying for the permit, a double fee shall be
23 charged."

24 Section 10. Section 50-60-510, MCA, is amended to
25 read:

1 "50-60-510. Inspection by department to insure
2 compliance. All plumbing and drainage systems may be
3 inspected by the department of administration commerce or
4 its authorized representative to insure compliance with the
5 requirements of the state plumbing code."

6 Section 11. Section 50-60-511, MCA, is amended to
7 read:

8 "50-60-511. Duty of permittee regarding inspection and
9 compliance. (1) It is the duty of the person doing work
10 authorized by the permit to notify the department of
11 administration commerce, orally or in writing, that the work
12 is ready for inspection. The notification shall be given not
13 less than 24 hours before the work is to be inspected.

14 (2) It is the duty of the person doing the work
15 authorized by the permit to ensure that the work performed
16 before notification and after notification pending
17 inspection complies with the state plumbing code."

18 Section 12. Section 50-60-512, MCA, is amended to
19 read:

20 "50-60-512. Department authorized to order work
21 stopped for noncompliance. Whenever any work is being done
22 contrary to the provisions of the state plumbing code, the
23 department of administration commerce or its authorized
24 representative may, after a hearing conducted under the
25 provisions of the Montana Administrative Procedure Act,

1 order work stopped by notice in writing served on any person
2 engaged in the work."

3 Section 13. Section 50-60-513, MCA, is amended to
4 read:

5 "50-60-513. Suspension or revocation of permit. The
6 department of administration commerce may suspend or revoke
7 a permit whenever it is issued in error or on the basis of
8 incorrect information supplied or work performed thereunder
9 is in violation of any of the provisions of this part or
10 Title 37, chapter 69."

11 Section 14. Section 50-60-514, MCA, is amended to
12 read:

13 "50-60-514. District court -- jurisdiction --
14 restraining orders. The district court of any county has
15 jurisdiction in equity, on application of the department of
16 administration commerce, to restrain from connection any new
17 plumbing installations on finding, after hearing, that the
18 plumbing is inferior to the standards of the state plumbing
19 code."

20 Section 15. Section 50-60-603, MCA, is amended to
21 read:

22 "50-60-603. Electrical installations to comply with
23 building codes adopted by department. (1) All installations
24 in this state of wires and equipment to convey electric
25 current and installations of apparatus to be operated by

1 current, except as provided in 50-60-602, shall be made
2 substantially in accord with building codes adopted by the
3 department of administration commerce.

4 (2) Rules and standards relating to buildings and
5 equipment shall be promulgated by the department."

6 Section 16. Section 50-60-604, MCA, is amended to
7 read:

8 "50-60-604. Department to make inspections, issue
9 inspection tags, and establish fees. The department of
10 administration commerce shall make inspections of electrical
11 installations, issue inspection tags for these
12 installations, and establish and charge a reasonable and
13 uniform fee for the inspections, which may not exceed the
14 expense of providing the inspection."

15 Section 17. Section 50-60-605, MCA, is amended to
16 read:

17 "50-60-605. Power supplier not to energize
18 installation without inspection tag. Individuals, firms,
19 cooperatives, corporations, or municipalities selling
20 electricity are power suppliers. Except for temporary
21 connections which the department may authorize by rule for a
22 period not exceeding 14 days without a preconnection
23 inspection, power suppliers may not connect with or energize
24 an electrical installation under this part unless the owner
25 or a licensed electrical contractor has delivered to the

1 power supplier an inspection tag covering the installation,
2 issued by the department of administration commerce."

3 Section 18. Section 50-60-606, MCA, is amended to
4 read:

5 "50-60-606. Power supplier to deliver inspection tag
6 to department after installation energized. Immediately
7 after an installation has been energized, the power supplier
8 shall deliver to the department of administration commerce
9 the inspection tag covering the installation."

10 Section 19. Section 50-60-607, MCA, is amended to
11 read:

12 "50-60-607. Unlawful acts. It is unlawful for a
13 person, partnership, company, firm, association, or
14 corporation other than a power supplier to energize an
15 electrical installation under this part unless an
16 application for an inspection tag covering the installation,
17 together with the inspection fee, has been forwarded to the
18 department of administration commerce."

19 Section 20. Section 50-64-102, MCA, is amended to
20 read:

21 "50-64-102. Definitions. As used in this chapter, the
22 following definitions apply:

23 (1) "Department" means the department of
24 administration commerce.

25 (2) "Fibrated product" means a substance used in

1 construction for whatever purpose which contains asbestos
2 fibers which tend to disperse into ambient air during
3 application or upon destruction or removal.

4 (3) "Person" means an individual, firm, corporation,
5 partnership, association, or other legal entity."

6 NEW SECTION. Section 21. Extension of authority. Any
7 existing authority of the department of commerce to make
8 rules on the subject of the provisions of this act is
9 extended to the provisions of this act.

10 NEW SECTION. Section 22. Effective date. This act is
11 effective July 1, 1985.

-End-