# SENATE BILL NO. 242

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# 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 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 concurred 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

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Reported correctly enrolled.

Sent to enrolling.

Senste BILL NO. 242 E Smith Truit Z.c.C. EQUEST OF THE DEPARTMENT OF CO 1 2 COMMERCE ٦ 4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FROM THE 5 DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE 6 THE FUNCTIONS RELATING TO THE STATE BUILDING CODES: AMENDING 7 SECTIONS 20-6-621, 20-6-622, 50-3-103, 50-60-101, 50-60-504, 8 9 50-60-505, 50-60-507 THROUGH 50-60-514, 50-60-603 THROUGH 50-60-607, AND 50-64-102, MCA; AND PROVIDING AN EFFECTIVE 10 DATE." 11

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

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

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 elections. An elector who may vote at a school site election 5 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 shall not be required when the site was specifically 10 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;

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

(c) comply with the statewide building regulations, if
any, promulgated by the department of administration
<u>commerce</u>.

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

-2- INTRODUCED BILL SB 240

authority to sell, at the appraised value, or to lease for 1 any period of time less than 99 years, at an amount of \$1 2 per year, to a district any tract of state land of not more 3 than 10 acres to be used as a school site in such district." Δ Section 2. Section 20-6-622, MCA, is amended to read: 5 "20-6-622. Review and approval of school building 6 plans and specifications. (1) No school building, either 7 publicly or privately owned or operated, in which students 8 housed or instructed may be built, enlarged, or 9 аге 10 remodeled until the plans and specifications for such construction have been submitted to and approved by the 11 department of administration commerce or a municipality or 12 county with a building code adopted as provided in 13 50-60-301. 14

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

LC 1255/01

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 use of structural requirements for various types of 5 6 construction; building restrictions within congested districts; exit facilities from structures; fire alarm 7 8 systems and fire extinguishing systems; fire emergency drills; flue and chimney construction; heating devices; 9 10 electrical wiring and equipment; air conditioning, 11 ventilating, and other duct systems; refrigeration systems; 12 flammable liquids; oil and gas wells; application of flammable finishes; explosives, acetylene, liquefied 13 14 petroleum gas, and similar products; calcium carbide and 15 acetylene generators; flammable motion picture film, 16 combustible fibers; hazardous chemicals; rubbish, open flame devices; parking of vehicles; dust explosions; lightning 17 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 <u>commerce</u> and filing with the secretary of 23 state.

24 (3) Standards of the national fire protection25 association, United States bureau of standards, and American

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insurance association may be adopted in whole or in part by
 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, resolution, regulation, ordinance, or code, general or 17 special, or compilation thereof enacted or adopted by the 18 19 state or any municipality, including departments, boards, 20 bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, 21 22 reconstruction, alteration, conversion, repair, inspection, or use of buildings and installation of equipment in 23 buildings. The term does not include zoning ordinances. 24

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

equipment of buildings and requirements or standards
 relating to or affecting materials used, including
 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 agencies of any municipality charged 12 with the administration, supervision, or enforcement of building 13 14 regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates, and similar 15 16 documents prescribed or required by state or local building 17 regulations.

18 (7) "Local legislative body" means the council or19 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.

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

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

3 (i) all or part of the area within 4 1/2 miles of the4 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, assignee of rents, receiver, executor, trustee, lessee, or 15 16 other person, firm, or corporation in control of a building. 17 (11) "Recreational vehicle" means anything defined as a recreational vehicle in the edition of NFPA No. 501C or ANSI 18 All9.2 most recently adopted by the state in accordance with 19 50-60-401. 20

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

(13) "State building code" means the state building
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."

Section 5. Section 50-60-504, MCA, is amended to read:
"50-60-504. Department to prescribe minimum standards.
The department of administration commerce shall by rule
prescribe minimum standards which are uniform and which are
thereafter effective for all plumbing installations or
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 each17 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.

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

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Section 7. Section 50-60-507, MCA, is amended to read: 1 2 "50-60-507. Application for and issuance of permit. (1) A person required to apply for a permit shall make 3 application on forms provided by the department of 4 5 administration commerce or its authorized representative. He shall give a description of the character of the work 6 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

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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 when it is proved to the satisfaction of the department of 16 17 administration commerce or its authorized representative that the work was urgently necessary and that it was not 18 practical to obtain a permit before the commencement of the 19 work. In all such cases, a permit shall be obtained as soon 20 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:

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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 <u>commerce</u> or its authorized 24 representative may, after a hearing conducted under the 25 provisions of the Montana Administrative Procedure Act, LC 1255/01

order work stopped by notice in writing served on any person
 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."

Section 14. Section 50-60-514, MCA, is amended to 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

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current, except as provided in 50-60-602, shall be made
 substantially in accord with building codes adopted by the
 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:

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

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

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

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

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 <u>commerce</u>.

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

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

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

6 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> 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 Departent of Administration to the Department of Commerce.

# ASSUMPTIONS:

- 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 5B242

Request No.	FNN 243-85
Form BD-15	page 2

# FISCAL IMPACT:

Expenditures:

unpendicures.						
		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 -	· · · · · ·	, ,	<b>·</b> - <b>·</b> ·	, , , , , , , , , , , , , , , , , , ,		. ,
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	\$ 1 <del>36,986</del>	\$ 631,787	\$ 761,164	\$ 129,377

## STATE OF MONTANA

Revised REQUEST NO. FNN 243-85

### FISCAL NOTE

Form BD-15

In compliance with a written request received <u>March 13</u>, 19 <u>85</u>, there is hereby submitted a Fiscal Note for <u>Revised Senate Bill 242</u> 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 administative expenses will be recovered through the increase in fees.

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BUDGET DIRECTOR Office of Budget and Program Planning

Date: March 14, 1885

513242 Amended

FN11:1/3-4

# Request No. Revised FNN 243-85

# Form BD-15 Page 2

FISCAL IMPACT:		
On State Special Revenues:		
Expenditures:	FY 86	FY 87
Additional Administrative Costs	\$75,204	\$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

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APPROVED BY COMMITTEE

ON STATE ADMINISTRATION enste BILL NO. 242 1 2 THE DEPARTMENT OF COMMERCE 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE 6 7 THE FUNCTIONS RELATING TO THE STATE BUILDING CODES: AMENDING SECTIONS 20-6-621, 20-6-622, 50-3-103, 50-60-101, 50-60-504, 8 9 50-60-505, 50-60-507 THROUGH 50-60-514, 50-60-603 THROUGH 50-60-607, AND 50-64-102, MCA; AND PROVIDING AN EFFECTIVE 10 DATE." 11

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Montana Legislative Council

1 to the site approval election.

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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, and18 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

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

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

-2- SECOND READING

1 authority to sell, at the appraised value, or to lease for any period of time less than 99 years, at an amount of \$1 2 3 per year, to a district any tract of state land of not more than 10 acres to be used as a school site in such district." 4 Section 2. Section 20-6-622, MCA, is amended to read: 5 "20-6-622. Review and approval of school building 6 plans and specifications. (1) No school building, either 7 8 publicly or privately owned or operated, in which students are housed or instructed may be built, enlarged, or 9 10 remodeled until the plans and specifications for such construction have been submitted to and approved by the 11 department of administration commerce or a municipality or 12 county with a building code adopted as provided in 13 50-60-301. 14

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public instruction may review the plans and specifications
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designing facilities for optimum utilization."

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

LC 1255/01

1 of 50-3-102 shall be reasonable and calculated to effect the purposes of this chapter. They shall include but not be 2 3 limited to requirements for design, construction, installation, operation, storage, handling, maintenance, or 4 of structural requirements for various types of 5 use building restrictions 6 construction; within congested districts; exit facilities from structures; fire alarm 7 systems and fire extinguishing systems; fire emergency 8 drills; flue and chimney construction; heating devices; 9 10 electrical wiring and equipment; air conditioning, ventilating, and other duct systems; refrigeration systems; 11 flammable liquids; oil and gas wells; application of 12 flammable finishes; explosives, 13 acetylene, liquefied petroleum gas, and similar products; calcium carbide and 14 15 acetylene generators; flammable motion picture film, combustible fibers; hazardous chemicals; rubbish, open flame 16 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
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24 (3) Standards of the national fire protection25 association, United States bureau of standards, and American

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

3 (4) Rules shall be adopted as prescribed in the4 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."
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8 "50-60-101. Definitions. As used in parts 1 through 4
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10 otherwise, the following definitions apply:

(1) "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".

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

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18 (7) "Local legislative body" means the council or19 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.

(9) (a) "Municipal jurisdictional area" means the area
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(b) Upon request, the council may approve extension of
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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.

(10) "Owner" means the owner or owners of the premises 13 14 or lesser estate, a mortgagee or vendee in possession, 15 assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building. 16 17 ('1) "Recreational vehicle" means anything defined as a 18 rec gational vehicle in the edition of NFPA North C or ANSI 19 A 19.2 most recently adopted by the state in accordance with 50-60-401. 20

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

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

limited application and any of its modifications or 1 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 maintenance, except where exempt by 50-60-503." 8

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 each17 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.

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

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Section 7. Section 50-60-507, MCA, is amended to read: 1 2 "50-60-507. Application for and issuance of permit. 3 (1) A person required to apply for a permit shall make application on forms provided by the department of 4 administration commerce or its authorized representative. 5 6 He shall give a description of the character of the work 7 proposed to be done and the location, ownership, occupancy. and use of the premises in connection therewith. 8

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."

g 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 obtain a permit, pay double the permit fee for the work, 14 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 delay in applying for the permit, a double fee shall be 22 23 charged."

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

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"50-60-510. Inspection by department to insure
 compliance. All plumbing and drainage systems may be
 inspected by the department of administration commerce or
 its authorized representative to insure compliance with the
 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 .ead:

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, LC 1255/01

order work stopped by notice in writing served on any person 1 2 engaged in the work." 3 Section 13. Section 50-60-513, MCA, is amended to 4 read: "50-60-513. Suspension or revocation of permit. The 5 department of administration commerce may suspend or revoke 6 7 a permit whenever it is issued in error or on the basis of incorrect information supplied or work performed thereunder 8 9 is in violation of any of the provisions of this part or 10 Title 37, chapter 69." Section 14. Section 50-60-514, MCA, is amended to 11 12 read: "50~60-514. District court -- jurisdiction --13 14 restraining orders. The district court of any county has jurisdiction in equity, on application of the department of 15 16 administration commerce, to restrain from connection any new 17 plumbing installations on finding, after hearing, that the plumbing is inferior to the standards of the state plumbing 18 19 code." Section 15. Section 50-60-603, MCA, is amended to 20 21 read: "50-60-603. Electrical installations to comply with 22 building codes adopted by department. (1) All installations 23 24 in this state of wires and equipment to convey electric current and installations of apparatus to be operated by 25

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current, except as provided in 50-60-602, shall be made
 substantially in accord with building codes adopted by the
 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 inspection tags, and establish fees. The department of g administration commerce shall make inspections of electrical 10 issue inspection for these 11 installations, tags installations, and establish and charge a reasonable and 12 uniform fee for the inspections, which may not exceed the 13 14 expense of providing the inspection."

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

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

power supplier an inspection tag covering the installation,
 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:

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

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

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

6 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> Section 22. Effective date. This act 13 11 effective July 1, 1985.

-End-

Senste BILL NO. 242 1 2 EQUEST OF THE DEPARTMENT OF COMMERCE 3 Δ

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 Section 1. Section 20-6-621, MCA, is amended to read: 14 "20-6-621. Selection of school sites, approval 15 election, and lease of state lands. (1) The trustees of any 16 district shall have the authority to select the sites for 17 school buildings or for other school purposes, but such 1**B** selection shall first be approved by the qualified electors 19 of the district before any contract for the purchase of such 20 site is entered into by the trustees, except the trustees 21 shall have the authority to purchase or otherwise acquire 22 property contiguous to an existing site that is in use for 23 school purposes without a site approval election. 24 Furthermore, the trustees may take an option on a site prior 25

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to the site approval election.

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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 elections. An elector who may vote at a school site election 5 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. (3) Any site for a school building or other building 14

15 of the district that is selected or purchased by the 16 trustees shall:

17 (a) be in a place that is convenient, accessible, and18 suitable;

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

(c) comply with the statewide building regulations, if
 any, promulgated by the department of administration
 <u>commerce</u>.

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

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authority to sell, at the appraised value, or to lease for 1 any period of time less than 99 years, at an amount of \$1 2 per year, to a district any tract of state land of not more 3 than 10 acres to be used as a school site in such district." 4 5 Section 2. Section 20-6-622, MCA, is amended to read: "20-6-622. Review and approval of school building 6 plans and specifications. (1) No school building, either 7 publicly or privately owned or operated, in which students 8 housed or instructed may be built, enlarged, or 9 are 10 remodeled until the plans and specifications for such construction have been submitted to and approved by the 11 department of administration commerce or a municipality or 12 county with a building code adopted as provided in 13 14 50-60-301.

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

(3) As a service to districts, the superintendent of
public instruction may review the plans and specifications
required in subsection (1) to assist the districts in
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

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

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

24 (3) Standards of the national fire protection25 association, United States bureau of standards, and American

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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 special, or compilation thereof enacted or adopted by the 18 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, reconstruction, alteration, conversion, repair, inspection, 22 or use of buildings and installation of equipment in 23 buildings. The term does not include zoning ordinances. 24

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

equipment of buildings and requirements or standards
 relating to or affecting materials used, including
 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.

(6) "Local building department" means the agency or 11 12 agencies of any municipality charged with the administration, supervision, or enforcement of building 13 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 or19 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.

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

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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.

(10) "Owner" means the owner or owners of the premises
or lesser estate, a mortgagee or vendee in possession,
assignee of rents, receiver, executor, trustee, lessee, or
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 Al19.2 most recently adopted by the state in accordance with
20 50-60-401.

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

(13) "State building code" means the state building
 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 <u>commerce</u> 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.

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

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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 application on forms provided by the department of 4 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 <u>commerce</u> 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."

Section 9. Section 50-60-509, MCA, is amended to read: 9 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 as it is practical to do so, and if there is unreasonable 21 delay in applying for the permit, a double fee shall be 22 23 charged."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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current, except as provided in 50-60-602, shall be made
 substantially in accord with building codes adopted by the
 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:

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

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

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

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 corporation other than a power supplier to energize an 14 electrical installation under this part unless an 15 application for an inspection tag covering the installation, 16 17 together with the inspection fee, has been forwarded to the department of administration commerce." 18

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

21 "50-64-102. Definitions. As used in this chapter, the22 following definitions apply:

23 (1) "Department" means the department of 24 administration <u>commerce</u>.

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

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

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

6 <u>NEW SECTION.</u> 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.

<u>NEW SECTION.</u> Section 22. Effective date. This act is
 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

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

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

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

(c) comply with the statewide building regulations, if
any, promulgated by the department of administration
<u>commerce</u>.

(4) The board of land commissioners shall have the

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SB 242 REFERENCE BILL

authority to sell, at the appraised value, or to lease for 1 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: б "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 are housed or instructed may be built, enlarged, or 9 10 remodeled until the plans and specifications for such 11 construction have been submitted to and approved by the department of administration commerce or a municipality or 12 county with a building code adopted as provided in 13 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 use of structural requirements for various types of 5 6 construction; building restrictions within congested 7 districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency 8 9 drills; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, 10 ventilating, and other duct systems; refrigeration systems; 11 flammable liquids; oil and gas wells; application of 12 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 devices; parking of vehicles; dust explosions; lightning 17 18 protection; and other special fire hazards.

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

24 (3) Standards of the national fire protection25 association, United States bureau of standards, and American

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

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

equipment of buildings and requirements or standards
 relating to or affecting materials used, including
 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 ±0 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.

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

18 (7) "Local legislative body" means the council or19 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.

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

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(b) Upon request, the council may approve extension of
the jurisdictional area to include:
(i) all or part of the area within 4 1/2 miles of the
corporate limits of a municipality;
(ii) all of any platted subdivision which is partially
within 4 1/2 miles of the corporate limits of a
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 or lesser estate, a mortgagee or vendee in possession, 14 assignee of rents, receiver, executor, trustee, lessee, or 15 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 All9.2 most recently adopted by the state in accordance with 19 50~60-401. 20

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

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

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

Section 5. Section 50-60-504, MCA, is amended to read:
 "50-60-504. Department to prescribe minimum standards.
 The department of administration commerce shall by rule
 prescribe minimum standards which are uniform and which are
 thereafter effective for all plumbing installations or
 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 each17 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.

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

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1 Section 7. Section 50-60-507, MCA, is amended to read: 2 "50-60-507, Application for and issuance of permit. (1) A person required to apply for a permit shall make 3 4 application on forms provided by the department of administration commerce or its authorized representative. 5 He shall give a description of the character of the work б proposed to be done and the location, ownership, occupancy, 7 and use of the premises in connection therewith. 8

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

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

19 Section 8. Section 50-60-508, MCA, is amended to read: "50-60-508. Permit fees. (1) The department of 20 administration commerce shall establish permit fees in 21 accordance with the Montana Administrative Procedure Act and 22 the fees shall be deposited to the state special revenue 23 24 fund of the department for use in the administration and enforcement of this part and the Montana state plumbing 25

1 code.

2 (2) For the purpose of 50-60-505 through 50-60-513, a sanitary plumbing outlet on or to which a plumbing fixture 3 or appliance may be set or attached shall be construed to be 4 a fixture. Fees for reconnection and retest of plumbing 5 systems in relocated buildings shall be based on the number б of plumbing fixtures, gas systems, water heaters, and the 7 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 pay double the permit fee -- exception. Any person who 11 commences any work for which a permit is required without 12 13 first obtaining a permit shall, if subsequently permitted to obtain a permit, pay double the permit fee for the work, 14 except that this provision does not apply to emergency work 15 16 when it is proved to the satisfaction of the department of administration commerce or its authorized representative 17 that the work was urgently necessary and that it was not 18 practical to obtain a permit before the commencement of the 19 work. In all such cases, a permit shall be obtained as soon 20 as it is practical to do so, and if there is unreasonable 21 delay in applying for the permit, a double fee shall be 22 23 charged."

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

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1"50-60-510. Inspection by department to insure2compliance. All plumbing and drainage systems may be3inspected by the department of administration commerce or4its authorized representative to insure compliance with the5requirements 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 <u>commerce</u> 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

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current, except as provided in 50-60-602, shall be made
 substantially in accord with building codes adopted by the
 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 inspection tags, and establish fees. The department of 9 administration commerce shall make inspections of electrical 10 installations, issue inspection tags for these 11 installations, and establish and charge a reasonable and 12 uniform fee for the inspections, which may not exceed the 13 expense of providing the inspection." 14

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

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

power supplier an inspection tag covering the installation,
 issued by the department of edministration commerces "

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 corporation other than a power supplier to energize an 14 electrical installation under this part unless an 15 16 application for an inspection tag covering the installation, together with the inspection fee, has been forwarded to the 17 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

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construction for whatever purpose which contains asbestos
 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."

<u>NEW SECTION.</u> Section 21. Extension of authority. Any
existing authority of the department of commerce to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

10 <u>NEW SECTION.</u> Section 22. Effective date. This act is

11 effective July 1, 1985.

~End-

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