

HOUSE BILL NO. 447

INTRODUCED BY CLARK, HOFFMAN, ZOOK, THOMAS, HARPER

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 27, 1989	FIRST READING.
FEBRUARY 17, 1989	COMMITTEE RECOMMEND BILL DO PASS. AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1989	PRINTING REPORT.
FEBRUARY 20, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 21, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 86; NOES, 10.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
MARCH 23, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 28, 1989	SECOND READING, CONCURRED IN.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989	RECEIVED FROM SENATE.
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MARCH 31, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 447
2 INTRODUCED BY Clark Hoffman, Jack Thomas, Karen
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIMITS ON
5 THE STORAGE OF SMOKELESS POWDER AND SMALL ARMS PRIMERS;
6 AMENDING SECTIONS 7-33-4205, 50-3-103, 50-61-102, AND
7 50-62-108, MCA; AND PROVIDING AN EFFECTIVE DATE."
8

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

10 NEW SECTION. Section 1. Exceeding fire code limits
11 for storage of smokeless powder and small arms primers. (1)
12 A retail establishment may exceed the limits prescribed by
13 an adopted fire or safety code or a local government
14 ordinance or resolution for the storage of smokeless powder
15 and small arms primers if the storage conforms to the
16 provisions contained in [section 2].

17 (2) Nothing in this section may be construed to allow
18 the storage of smokeless powder in individual containers
19 holding greater than 1 pound or repackaging of smokeless
20 powder from larger to smaller containers on the retail
21 premises.

22 NEW SECTION. Section 2. Restrictions on storage of
23 smokeless powder and small arms primers. (1) A retail
24 establishment may stock up to 750 pounds of smokeless powder
25 on the premises if storage of this stock conforms to the

1 following conditions:

2 (a) no more than 50 pounds are on display in a
3 customer service area;

4 (b) the storage area is clearly posted as off limits
5 to customers;

6 (c) the storage area is clearly posted prohibiting
7 smoking or any open flame or sparks; and

8 (d) the storage area meets any one of the following
9 conditions:

10 (i) the storage area is more than 50 feet from any
11 emergency exit;

12 (ii) the storage area is covered with a deluge water
13 sprinkler system meeting state building code standards or
14 fire or safety codes; or

15 (iii) the smokeless powder is contained in closed
16 cabinets constructed of wood at least 1 inch thick and
17 covered on all sides with 5/8-inch sheetrock, with a locking
18 door, or in cabinets considered of equal or superior
19 construction by the state fire marshal or the fire marshal
20 of the local jurisdiction, with no more than 100 pounds of
21 smokeless powder stored in any one such cabinet and a
22 minimum separation between cabinets of 2 feet.

23 (2) A retail establishment may stock up to 500,000
24 small arms primers if storage of this stock conforms to the
25 following conditions:

- 1 (a) no more than 80,000 primers are on display in a
- 2 customer service area;
- 3 (b) the storage area is clearly posted as off limits
- 4 to customers;
- 5 (c) the storage area is clearly posted prohibiting
- 6 smoking or any open flame or sparks;
- 7 (d) small arms primers are retained in packaging
- 8 approved by the U.S. department of transportation; and
- 9 (e) the small arms primers are contained in closed
- 10 cabinets constructed of wood at least 1 inch thick and
- 11 covered on all sides with 5/8-inch sheetrock, with a locking
- 12 door, or in cabinets considered of equal or superior
- 13 construction by the state fire marshal or the fire marshal
- 14 of the local jurisdiction, with no more than 100,000 primers
- 15 stored in any one such cabinet and a minimum separation
- 16 between cabinets of 2 feet.

17 **Section 3.** Section 7-33-4205, MCA, is amended to read:

18 "7-33-4205. Regulation of explosives and inflammable
19 materials. The Except as provided in [section 1], the city
20 or town council has power to regulate and prevent the
21 storage or handling of gunpowder, giant powder,
22 nitroglycerine, other inflammable explosives or materials,
23 tar, pitch, kerosene, oils, and turpentine and to prohibit
24 the storage of the same within 3 miles of the city limits."

25 **Section 4.** Section 50-3-103, MCA, is amended to read:

1 "50-3-103. Rules promulgated by state fire marshal.

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

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

(3) Standards of the national fire protection association, United States bureau of standards, and American insurance association may be adopted in whole or in part by reference.

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

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

Section 5. Section 50-61-102, MCA, is amended to read:

"50-61-102. Fire marshal to administer chapter. The state fire marshal has general charge and supervision of the enforcement of this chapter, and the officers enumerated in 50-61-114 shall act under his general charge and supervision, shall assist him in giving effect to this chapter, and are subject to his direction and the rules adopted for the enforcement of [sections 1 and 2] and this chapter."

Section 6. Section 50-62-108, MCA, is amended to read:

"50-62-108. Conditions or materials creating fire hazard -- order to remedy. If the state fire marshal, deputy state fire marshal, or any officer mentioned in 50-62-101 finds in any building or premises subject to their inspection any combustible materials, inflammable conditions, improperly stored smokeless powder or small arms primers, or fire hazards dangerous to the safety of the

building premises or to the public, such officer shall order such material, conditions, or hazards to be removed or remedied. Such order shall be in writing and directed generally to the owner, lessee, agent, or occupant of such building or premises."

NEW SECTION. Section 7. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 8. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 50, chapter 3, and the provisions of Title 50, chapter 3, apply to [sections 1 and 2].

NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 1989.

-End-

APPROVED BY COMM.
ON FISH AND GAME

HOUSE BILL NO. 447

INTRODUCED BY CLARK, HOFFMAN, ZOOK, THOMAS, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIMITS ON THE STORAGE OF SMOKELESS POWDER AND SMALL ARMS PRIMERS; AMENDING SECTIONS 7-33-4205, 50-3-103, 50-61-102, AND 50-62-108, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Exceeding fire code limits for storage of smokeless powder and small arms primers. (1) A retail establishment may exceed the limits prescribed by an adopted fire or safety code or a local government ordinance or resolution for the storage of smokeless powder and small arms primers if the storage conforms to the provisions contained in [section 2].

(2) Nothing in this section may be construed to allow the storage of smokeless powder in individual containers holding greater than 1 pound or repackaging of smokeless powder from larger to smaller containers on the retail premises.

NEW SECTION. **Section 2.** Restrictions on storage of smokeless powder and small arms primers. (1) A retail establishment may stock up to 750 400 pounds of smokeless powder on the premises if storage of this stock conforms to

the following conditions:

(a) no more than 50 pounds are on display in a customer service area;

(b) the storage area is clearly posted as off limits to customers;

(c) the storage area is clearly posted prohibiting smoking or any open flame or sparks; and

(d) the storage area meets any one of the following conditions:

(i) the storage area is more than 50 feet from any emergency exit;

(ii) the storage area is covered with a deluge water sprinkler system meeting state building code standards or fire or safety codes; or

(iii) the smokeless powder is contained in closed cabinets constructed of wood at least 1 inch thick and covered on all sides with 5/8 inch sheetrock, with a locking door, or in cabinets considered of equal or superior construction by the state fire marshal or the fire marshal of the local jurisdiction, with no more than 100 pounds of smokeless powder stored in any one such cabinet and a minimum separation between cabinets of 2 feet MUST BE APPROVED BY THE STATE FIRE MARSHAL.

(2) A retail establishment may stock up to 500,000 250,000 small arms primers if storage of this stock conforms

1 to the following conditions:

2 (a) no more than 80,000 primers are on display in a
3 customer service area;

4 (b) the storage area is clearly posted as off limits
5 to customers;

6 (c) the storage area is clearly posted prohibiting
7 smoking or any open flame or sparks;

8 (d) small arms primers are retained in packaging
9 approved by the U.S. department of transportation; and

10 (e) the small arms primers are contained in closed
11 cabinets constructed of wood at least 1 inch thick and
12 covered on all sides with 5/8-inch sheetrock, with a locking
13 door, or in cabinets considered of equal or superior
14 construction by the state fire marshal or the fire marshal
15 of the local jurisdiction, with no more than 100,000 primers
16 stored in any one such cabinet and a minimum separation
17 between cabinets of 2 feet.

18 **Section 3.** Section 7-33-4205, MCA, is amended to read:

19 "7-33-4205. Regulation of explosives and inflammable
20 materials. The Except as provided in [section 1], the city
21 or town council has power to regulate and prevent the
22 storage or handling of gunpowder, giant powder,
23 nitroglycerine, other inflammable explosives or materials,
24 tar, pitch, kerosene, oils, and turpentine and to prohibit
25 the storage of the same within 3 miles of the city limits."

1 **Section 4.** Section 50-3-103, MCA, is amended to read:

2 "50-3-103. Rules promulgated by state fire marshal.

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

23 (2) If rules relate to building and equipment
24 standards covered by the state or a municipal building code,
25 the rules are effective upon approval of the department of

1 commerce and filing with the secretary of state.

2 (3) Standards of the national fire protection
3 association, United States bureau of standards, and American
4 insurance association may be adopted in whole or in part by
5 reference.

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

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

10 **Section 5.** Section 50-61-102, MCA, is amended to read:

11 "50-61-102. Fire marshal to administer chapter. The
12 state fire marshal has general charge and supervision of the
13 enforcement of this chapter, and the officers enumerated in
14 50-61-114 shall act under his general charge and
15 supervision, shall assist him in giving effect to this
16 chapter, and are subject to his direction and the rules
17 adopted for the enforcement of sections 1 and 2 and this
18 chapter."

19 **Section 6.** Section 50-62-108, MCA, is amended to read:

20 "50-62-108. Conditions or materials creating fire
21 hazard -- order to remedy. If the state fire marshal, deputy
22 state fire marshal, or any officer mentioned in 50-62-101
23 finds in any building or premises subject to their
24 inspection any combustible materials, inflammable
25 conditions, improperly stored smokeless powder or small arms

1 primers, or fire hazards dangerous to the safety of the
2 building premises or to the public, such officer shall order
3 such material, conditions, or hazards to be removed or
4 remedied. Such order shall be in writing and directed
5 generally to the owner, lessee, agent, or occupant of such
6 building or premises."

7 NEW SECTION. **Section 7.** Extension of authority. Any
8 existing authority to make rules on the subject of the
9 provisions of [this act] is extended to the provisions of
10 [this act].

11 NEW SECTION. **Section 8.** Codification instruction.
12 [Sections 1 and 2] are intended to be codified as an
13 integral part of Title 50, chapter 3, and the provisions of
14 Title 50, chapter 3, apply to [sections 1 and 2].

15 NEW SECTION. **Section 9.** Effective date. [This act] is
16 effective July 1, 1989.

-End-

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INTRODUCED BY CLARK, HOFFMAN, ZOOK, THOMAS, HARPER

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

NEW SECTION. Section 1. Exceeding fire code limits for storage of smokeless powder and small arms primers. (1) A retail establishment may exceed the limits prescribed by an adopted fire or safety code or a local government ordinance or resolution for the storage of smokeless powder and small arms primers if the storage conforms to the provisions contained in [section 2].

(2) Nothing in this section may be construed to allow the storage of smokeless powder in individual containers holding greater than 1 pound or repackaging of smokeless powder from larger to smaller containers on the retail premises.

NEW SECTION. Section 2. Restrictions on storage of smokeless powder and small arms primers. (1) A retail establishment may stock up to 750 400 pounds of smokeless powder on the premises if storage of this stock conforms to

the following conditions:

(a) no more than 50 25 pounds are on display in a customer service area;

(b) the storage area is clearly posted as off limits to customers;

(c) the storage area is clearly posted prohibiting smoking or any open flame or sparks; and

(d) the storage area meets any one of the following conditions:

(i) the storage area is more than 50 feet from any emergency exit;

(ii) the storage area is covered with a deluge water sprinkler system meeting state building code standards or fire or safety codes; or

(iii) the smokeless powder is contained in closed cabinets constructed of wood at least 1 inch thick and covered on all sides with 5/8 inch sheetrock, with a locking door, or in cabinets considered of equal or superior construction by the state fire marshal or the fire marshal of the local jurisdiction, with no more than 100 pounds of smokeless powder stored in any one such cabinet and a minimum separation between cabinets of 2 feet MUST BE APPROVED BY THE STATE FIRE MARSHAL.

(2) A retail establishment may stock up to 500,000 250,000 small arms primers if storage of this stock conforms

to the following conditions:

(a) no more than ~~80,000~~ 20,000 primers are on display in a customer service area; AND

(b) the storage area MUST BE APPROVED BY THE STATE FIRE MARSHAL. ~~is clearly posted as off-limits to customers;~~

~~(c) the storage area is clearly posted prohibiting smoking or any open flame or sparks;~~

~~(d) small arms primers are retained in packaging approved by the U.S. department of transportation; and~~

~~(e) the small arms primers are contained in closed cabinets constructed of wood at least 1 inch thick and covered on all sides with 5/8 inch sheetrock, with a locking door, or in cabinets considered of equal or superior construction by the state fire marshal or the fire marshal of the local jurisdiction, with no more than 100,000 primers stored in any one such cabinet and a minimum separation between cabinets of 2 feet.~~

Section 3. Section 7-33-4205, MCA, is amended to read:

"7-33-4205. Regulation of explosives and inflammable materials. The Except as provided in [section 1], the city or town council has power to regulate and prevent the storage or handling of gunpowder, giant powder, nitroglycerine, other inflammable explosives or materials, tar, pitch, kerosene, oils, and turpentine and to prohibit the storage of the same within 3 miles of the city limits."

Section 4. Section 50-3-103, MCA, is amended to read:

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

(1) Rules promulgated by the state fire marshal by authority of 50-3-102 shall be reasonable and calculated to effect the purposes of this chapter. They shall include but not be limited to requirements for design, construction, installation, operation, storage, handling, maintenance, or use of structural requirements for various types of construction; building restrictions within congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, ventilating, and other duct systems; refrigeration systems; flammable liquids; oil and gas wells; application of flammable finishes; explosives, acetylene, liquefied petroleum gas, and similar products; calcium carbide and acetylene generators; flammable motion picture film, combustible fibers; hazardous chemicals; rubbish, open flame devices; parking of vehicles; dust explosions; lightning protection; storage of smokeless powder and small arms primers; 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

1 commerce and filing with the secretary of state.

2 (3) Standards of the national fire protection
3 association, United States bureau of standards, and American
4 insurance association may be adopted in whole or in part by
5 reference.

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

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

10 **Section 5.** Section 50-61-102, MCA, is amended to read:

11 "50-61-102. Fire marshal to administer chapter. The
12 state fire marshal has general charge and supervision of the
13 enforcement of this chapter, and the officers enumerated in
14 50-61-114 shall act under his general charge and
15 supervision, shall assist him in giving effect to this
16 chapter, and are subject to his direction and the rules
17 adopted for the enforcement of [sections 1 and 2] and this
18 chapter."

19 **Section 6.** Section 50-62-108, MCA, is amended to read:

20 "50-62-108. Conditions or materials creating fire
21 hazard -- order to remedy. If the state fire marshal, deputy
22 state fire marshal, or any officer mentioned in 50-62-101
23 finds in any building or premises subject to their
24 inspection any combustible materials, inflammable
25 conditions, improperly stored smokeless powder or small arms

1 primers, or fire hazards dangerous to the safety of the
2 building premises or to the public, such officer shall order
3 such material, conditions, or hazards to be removed or
4 remedied. Such order shall be in writing and directed
5 generally to the owner, lessee, agent, or occupant of such
6 building or premises."

7 **NEW SECTION. Section 7.** Extension of authority. Any
8 existing authority to make rules on the subject of the
9 provisions of [this act] is extended to the provisions of
10 [this act].

11 **NEW SECTION. Section 8.** Codification instruction.
12 [Sections 1 and 2] are intended to be codified as an
13 integral part of Title 50, chapter 3, and the provisions of
14 Title 50, chapter 3, apply to [sections 1 and 2].

15 **NEW SECTION. Section 9.** Effective date. [This act] is
16 effective July 1, 1989.

-End-

SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 22, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration HB 447 (third reading copy -- blue), respectfully report that HB 447 be amended and as so amended be concurred in:

Sponsor: Clark (Rapp-Svrcek)

1. Title, line 7.

Strike: "AN"

Insert: "A CONTINGENT"

2. Page 1, lines 18 and 19.

Strike: line 18 in its entirety through "or" on line 19

3. Page 1, line 25.

Following: "premises"

Insert: "of a building with a sprinkler system or 200 pounds on the premises of a building without a sprinkler system"

4. Page 2, line 2.

Strike: "25"

Insert: "20"

5. Page 2, lines 22 and 23

Strike: "~~MUST BE~~" on line 22 through "MARSHAL" on line 23

Insert: "is a room designed and constructed to restrict smoke travel, that is separate from the customer service area, that has a self-closing entrance door, and that conforms to one of the following:

(i) It is constructed of material sufficient to achieve a 1-hour fire resistant-rated barrier between the storage area and the customer service area. The smokeless powder must be stored in cabinets made of wood or equivalent material that is at least 1-inch thick, and each cabinet must contain no more than 200 pounds of smokeless powder. Cabinets must be separated by 25 feet.

(ii) It is protected by a fire suppression sprinkler system approved by the state fire marshal or a fire marshal of the local jurisdiction and the storage area has cabinets as provided for in subsection (1)(d)(i).

(iii) Smokeless powder stock is contained in a cabinet with casters and constructed of wood at least 1-inch thick that is covered on all sides with 5/8 inch sheetrock"

6. Page 3, line 2.

Following: "primers"

Insert: "in a building with a sprinkler system or 10,000 primers in a building without a sprinkler system"

SENATE COMMITTEE ON FISH, WILDLIFE, AND PARKS, HB 447
page 2 of 2

7. Page 3, line 3.

Strike: "AND"

8. Page 3, lines 4 and 5."

Following: "MUST" on line 4

Strike: remainder of line 4 through "MARSHAL" on line 5

Insert: "conform to the conditions imposed in subsections (1)(a) through (1)(d), except that no more than 125,000 small arms primers may be stored in one cabinet, and the minimum required separation between cabinets is 15 feet; and

(c) small arms primers are retained in packaging approved by the U.S. department of transportation"

9. Page 5, line 17.

Following: "adopted"

Insert: "under 50-3-102 and 50-3-103"

10. Page 6, line 15.

Following: "date."

Insert: "(1) [This act] is void if:

(a) the western fire chiefs association adopts at its annual meeting in August 1989 the proposed changes to article 77 of the uniform fire code that are specifically referred to as amendments to division II "storage", regarding smokeless powder and small arms primers for retail sales;

(b) the proposed changes are no more restrictive than the terms of [this act]; and

(c) the state fire marshal adopts the amended provisions for storage of smokeless powder and small arms primer for retail sales by March 31, 1990.

(2)"

11. Page 6, line 16.

Strike: "July 1, 1989"

Insert: "April 1, 1990"

AND AS AMENDED BE CONCURRED IN

Signed:

Elmer D. Severson, Chairman

HOUSE BILL NO. 447

INTRODUCED BY CLARK, HOFFMAN, ZOOK, THOMAS, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIMITS ON THE STORAGE OF SMOKELESS POWDER AND SMALL ARMS PRIMERS; AMENDING SECTIONS 7-33-4205, 50-3-103, 50-61-102, AND 50-62-108, MCA; AND PROVIDING AN A CONTINGENT EFFECTIVE DATE."

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

NEW SECTION. Section 1. Exceeding fire code limits for storage of smokeless powder and small arms primers. (1) A retail establishment may exceed the limits prescribed by an adopted fire or safety code or a local government ordinance or resolution for the storage of smokeless powder and small arms primers if the storage conforms to the provisions contained in [section 2].

(2) Nothing in this section may be construed to allow ~~the--storage--of--smokeless--powder--in--individual--containers~~ holding-greater-than-1-pound--or repackaging of smokeless powder from larger to smaller containers on the retail premises.

NEW SECTION. Section 2. Restrictions on storage of smokeless powder and small arms primers. (1) A retail establishment may stock up to ~~750~~ 400 pounds of smokeless

powder on the premises OF A BUILDING WITH A SPRINKLER SYSTEM OR 200 POUNDS ON THE PREMISES OF A BUILDING WITHOUT A SPRINKLER SYSTEM if storage of this stock conforms to the following conditions:

(a) no more than ~~50~~ 25 ~~20~~ pounds are on display in a customer service area;

(b) the storage area is clearly posted as off limits to customers;

(c) the storage area is clearly posted prohibiting smoking or any open flame or sparks; and

(d) the storage area meets-any-one--of--the--following conditions:

~~{i}--the--storage--area--is--more--than--50--feet--from--any~~ emergency-exit;

~~{ii}--the--storage--area--is--covered--with--a--deluge--water~~ sprinkler--system--meeting--state-building-code-standards-or fire-or-safety-codes; or

~~{iii}--the--smokeless--powder--is--contained--in--closed~~ cabinets--constructed--of--wood--at--least--1-inch-thick-and covered-on-all-sides-with-5/8-inch-shee:rock; with-a-locking door;--or--in--cabinets--considered--of--equal--or--superior construction--by--the--state-fire-marshai-or-the-fire-marshai of-the-local-jurisdiction; with-no-more-than-100--pounds--of smokeless--powder--stored--in--any--one--such--cabinet-and-a minimum-separation--between--cabinets--of--2--feet MUST--BE

APPROVED--BY--THE--STATE-FIRE-MARSHAL IS A ROOM DESIGNED AND CONSTRUCTED TO RESTRICT SMOKE TRAVEL THAT IS SEPARATE FROM THE CUSTOMER SERVICE AREA, THAT HAS A SELF-CLOSING ENTRANCE DOOR, AND THAT CONFORMS TO ONE OF THE FOLLOWING:

(I) IT IS CONSTRUCTED OF MATERIAL SUFFICIENT TO ACHIEVE A 1-HOUR FIRE RESISTANT-RATED BARRIER BETWEEN THE STORAGE AREA AND THE CUSTOMER SERVICE AREA. THE SMOKELESS POWDER MUST BE STORED IN CABINETS MADE OF WOOD OR EQUIVALENT MATERIAL THAT IS AT LEAST 1 INCH THICK, AND EACH CABINET MUST CONTAIN NO MORE THAN 200 POUNDS OF SMOKELESS POWDER. CABINETS MUST BE SEPARATED BY 25 FEET.

(II) IT IS PROTECTED BY A FIRE SUPPRESSION SPRINKLER SYSTEM APPROVED BY THE STATE FIRE MARSHAL OR A FIRE MARSHAL OF THE LOCAL JURISDICTION, AND THE STORAGE AREA HAS CABINETS AS PROVIDED FOR IN SUBSECTION (1)(D)(I).

(III) SMOKELESS POWDER STOCK IS CONTAINED IN A CABINET WITH CASTERS AND CONSTRUCTED OF WOOD AT LEAST 1 INCH THICK THAT IS COVERED ON ALL SIDES WITH 5/8-INCH SHEETROCK.

(2) A retail establishment may stock up to 500,000 250,000 small arms primers if storage of this stock conforms to the following conditions:

(a) no more than 00,000 20,000 primers IN A BUILDING WITH A SPRINKLER SYSTEM OR 10,000 PRIMERS IN A BUILDING WITHOUT A SPRINKLER SYSTEM are on display in a customer service area; AND

(b) the storage area MUST BE APPROVED BY THE STATE FIRE-MARSHAL CONFORM TO THE CONDITIONS IMPOSED IN SUBSECTIONS (1)(A) THROUGH (1)(D), EXCEPT THAT NO MORE THAN 125,000 SMALL ARMS PRIMERS MAY BE STORED IN ONE CABINET, AND THE MINIMUM REQUIRED SEPARATION BETWEEN CABINETS IS 15 FEET; AND

(C) SMALL ARMS PRIMERS ARE RETAINED IN PACKAGING APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION. ~~is clearly-posted-as-off-limits-to-customers;~~

~~{c}--the-storage-area--is--clearly--posted--prohibiting smoking-or-any-open-flame-or-sparks;~~

~~{d}--small--arms--primers--are--retained--in--packaging approved-by-the-U-S--department-of-transportation;and~~

~~{e}--the-small-arms-primers--are--contained--in--closed cabinets--constructed--of--wood--at--least--1-inch-thick-and covered-on-all-sides-with-5/8-inch-sheetrock;with-a-locking door;--or--in--cabinets--considered--of--equal--or--superior construction--by--the-state-fire-marshal-or-the-fire-marshal of-the-local-jurisdiction;with-no-more-than-100,000-primers stored-in-any-one-such--cabinet--and--a--minimum--separation between-cabinets-of-2-feet;~~

Section 3. Section 7-33-4205, MCA, is amended to read:

"7-33-4205. Regulation of explosives and inflammable materials. The Except as provided in [section 1], the city or town council has power to regulate and prevent the

1 storage or handling of gunpowder, giant powder,
2 nitroglycerine, other inflammable explosives or materials,
3 tar, pitch, kerosene, oils, and turpentine and to prohibit
4 the storage of the same within 3 miles of the city limits."

5 **Section 4.** Section 50-3-103, MCA, is amended to read:

6 **"50-3-103. Rules promulgated by state fire marshal.**

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

1 primers; and other special fire hazards.

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

6 (3) Standards of the national fire protection
7 association, United States bureau of standards, and American
8 insurance association may be adopted in whole or in part by
9 reference.

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

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

14 **Section 5.** Section 50-61-102, MCA, is amended to read:

15 **"50-61-102. Fire marshal to administer chapter.** The
16 state fire marshal has general charge and supervision of the
17 enforcement of this chapter, and the officers enumerated in
18 50-61-114 shall act under his general charge and
19 supervision, shall assist him in giving effect to this
20 chapter, and are subject to his direction and the rules
21 adopted UNDER 50-3-102 AND 50-3-103 for the enforcement of
22 [sections 1 and 2] and this chapter."

23 **Section 6.** Section 50-62-108, MCA, is amended to read:

24 **"50-62-108. Conditions or materials creating fire**
25 **hazard -- order to remedy.** If the state fire marshal, deputy

1 state fire marshal, or any officer mentioned in 50-62-101
 2 finds in any building or premises subject to their
 3 inspection any combustible materials, inflammable
 4 conditions, improperly stored smokeless powder or small arms
 5 primers, or fire hazards dangerous to the safety of the
 6 building premises or to the public, such officer shall order
 7 such material, conditions, or hazards to be removed or
 8 remedied. Such order shall be in writing and directed
 9 generally to the owner, lessee, agent, or occupant of such
 10 building or premises."

11 NEW SECTION. Section 7. Extension of authority. Any
 12 existing authority to make rules on the subject of the
 13 provisions of [this act] is extended to the provisions of
 14 [this act].

15 NEW SECTION. Section 8. Codification instruction.
 16 [Sections 1 and 2] are intended to be codified as an
 17 integral part of Title 50, chapter 3, and the provisions of
 18 Title 50, chapter 3, apply to [sections 1 and 2].

19 NEW SECTION. Section 9. Effective date. (1) [THIS
 20 ACT] IS VOID IF:

21 (A) THE WESTERN FIRE CHIEFS ASSOCIATION ADOPTS AT ITS
 22 ANNUAL MEETING IN AUGUST 1989 THE PROPOSED CHANGES TO
 23 ARTICLE 77 OF THE UNIFORM FIRE CODE THAT ARE SPECIFICALLY
 24 REFERRED TO AS AMENDMENTS TO DIVISION II "STORAGE",
 25 REGARDING SMOKELESS POWDER AND SMALL ARMS PRIMERS FOR RETAIL

1 SALES;

2 (B) THE PROPOSED CHANGES ARE NO MORE RESTRICTIVE THAN
 3 THE TERMS OF [THIS ACT]; AND

4 (C) THE STATE FIRE MARSHAL ADOPTS THE AMENDED
 5 PROVISIONS FOR STORAGE OF SMOKELESS POWDER AND SMALL ARMS
 6 PRIMERS FOR RETAIL SALES BY MARCH 31, 1990.

7 (2) [This act] is effective July--17-1989 APRIL 1,
 8 1990.

-End-