

HOUSE BILL 460

Introduced by Bachini, et al.

2/04	Introduced
2/04	Referred to Business & Economic Development
2/04	First Reading
2/12	Hearing
2/12	Tabled in Committee

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INTRODUCED BY House BILL NO. 460
Burdette Bergeson *Gilbert*
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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT PROPOSED CHANGES TO THE STATE BUILDING CONSTRUCTION STANDARDS BE APPROVED BY THE LEGISLATURE; AND AMENDING SECTIONS 50-60-104, 50-60-203, 50-60-204, 50-60-401, 50-60-504, 50-60-601, AND 50-60-702, MCA."

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

NEW SECTION. **Section 1.** Changes to state building code. (1) The state building construction standards are the state building code and the rules pertaining to plumbing installations, electrical installations, and elevators, adopted by the department as the codes and rules exist on October 1, 1993.

(2) The department shall submit any proposed changes to the state building construction standards to the administrative code committee for review. The administrative code committee shall make a recommendation to the legislature on whether the proposed changes should be adopted or rejected.

(3) The review process of the administrative code committee does not limit the authority of the department to submit the proposed changes to the legislature.

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Section 2. Section 50-60-104, MCA, is amended to read:
"50-60-104. Inspection fees. The Subject to the provisions of [section 1], the department shall establish a schedule of fees and may collect fees for the inspection of plans and specifications and for the inspection of buildings, factory-built buildings, recreational vehicles, tramways, or any other facility or structure."

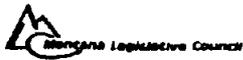
Section 3. Section 50-60-203, MCA, is amended to read:
"50-60-203. Department to adopt state building code by rule. Subject to the provisions of [section 1]:

(1) The the department shall adopt rules relating to the construction of, the installation of equipment in, and standards for materials to be used in all buildings or classes of buildings, including provisions dealing with safety, sanitation, and conservation of energy. The department may amend or repeal such the rules.

(2) The the department may adopt by reference nationally recognized building codes in whole or in part, but this does not prevent the department from adopting rules more stringent than those contained in such the codes;

(3) The the rules, when adopted as provided in parts 1 through 4, constitute the "state building code" and are acceptable for the buildings to which they are applicable;

(4) The the department shall adopt rules that permit the installation of below-grade liquefied petroleum



1 gas-burning appliances in single-family dwellings."

2 **Section 4.** Section 50-60-204, MCA, is amended to read:

3 "50-60-204. Public hearing required -- effective date
4 of certain rules. Subject to the provisions of [section 1]:

5 (1) Except ~~except~~ as provided in subsection (2) of this
6 section, no a rule, amendment, or repeal of the state
7 building code may not take effect until after a public
8 hearing by the department.;

9 (2) ~~if~~ if a hearing has been held by the department of
10 justice with respect to the duties contained in chapter 3 of
11 this title or by the board of plumbers, the department of
12 health and environmental sciences, or the state electrical
13 board on a proposed rule relating to building and equipment
14 standards in their respective fields, a public hearing by
15 the department is not required. ~~The--proposed--rule--is~~
16 ~~effective--upon--approval--of--the--department--and--filing--with~~
17 ~~the--secretary--of--state--as--a--part--of--the--state--building~~
18 ~~code."~~

19 **Section 5.** Section 50-60-401, MCA, is amended to read:

20 "50-60-401. Department to adopt rules for factory-built
21 buildings and recreational vehicles. The Subject to the
22 provisions of [section 1], the department may adopt by
23 reference nationally recognized construction standards, in
24 whole or in part, but this does not prevent the department
25 from adopting rules more stringent than those contained in

1 such the standards, for the construction of factory-built
2 buildings and recreational vehicles as defined in
3 50-60-101."

4 **Section 6.** Section 50-60-504, MCA, is amended to read:

5 "50-60-504. Department to prescribe minimum standards.
6 The Subject to the provisions of [section 1], the department
7 of commerce shall by rule prescribe minimum standards which
8 that are uniform ~~and-which-are-thereafter-effective~~ for all
9 plumbing installations or maintenance, except where when
10 exempt by 50-60-503."

11 **Section 7.** Section 50-60-601, MCA, is amended to read:

12 "50-60-601. Purpose. The Subject to the provisions of
13 [section 1], the purpose of this part is to protect the
14 health and safety of the people of this state from the
15 danger of electrically caused shocks, fires, and explosions;
16 to protect property from the hazard of electrically caused
17 fires and explosions; to establish a procedure for
18 determining where and by whom electrical installations are
19 to be made; and to ~~insure~~ ensure that the electrical
20 installations and electrical products made and sold in this
21 state meet minimum safety standards."

22 **Section 8.** Section 50-60-702, MCA, is amended to read:

23 "50-60-702. Department to adopt inspection standards --
24 certification of inspectors. Subject to the provisions of
25 [section 1]:

1 (1) ~~The~~ the department shall adopt standards for
2 passenger elevator and escalator inspections that assure
3 compliance with the requirements of the state building
4 code; and

5 (2) ~~The~~ the department shall adopt rules for the
6 certification of maintenance and insurance company
7 inspectors who may inspect passenger elevators and
8 escalators pursuant to 50-60-701."

9 NEW SECTION. **Section 9.** Codification instruction.
10 [Section 1] is intended to be codified as an integral part
11 of Title 50, chapter 60, part 1, and the provisions of Title
12 50, chapter 60, part 1, apply to [section 1].

-End-