

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

1 House BILL NO. 460
 2 INTRODUCED BY *Buchanan Bergquist* *Gillbert*
 3 *Buchanan Bergquist* *Dave Brown*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT PROPOSED
 5 CHANGES TO THE STATE BUILDING CONSTRUCTION STANDARDS BE
 6 APPROVED BY THE LEGISLATURE; AND AMENDING SECTIONS
 7 50-60-104, 50-60-203, 50-60-204, 50-60-401, 50-60-504,
 8 50-60-601, AND 50-60-702, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

1 **Section 2.** Section 50-60-104, MCA, is amended to read:

2 "50-60-104. Inspection fees. The Subject to the
 3 provisions of [section 1], the department shall establish a
 4 schedule of fees and may collect fees for the inspection of
 5 plans and specifications and for the inspection of
 6 buildings, factory-built buildings, recreational vehicles,
 7 tramways, or any other facility or structure."

8 **Section 3.** Section 50-60-203, MCA, is amended to read:

9 "50-60-203. Department to adopt state building code by
 10 rule. Subject to the provisions of [section 1]:

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

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

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

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

gas-burning appliances in single-family dwellings."

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

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

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

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

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

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

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

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

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

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

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

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

"50-60-702. Department to adopt inspection standards -- certification of inspectors. Subject to the provisions of [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].

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