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INTRODUCED BY Hofse BILL NO. 224
Kutzberg

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING FIRE AND SAFETY REQUIREMENTS FOR FUEL TANKS ON FARMS AND RANCHES; PROVIDING FOR WRITTEN WARNING NOTICES FOR FARM AND RANCH TANK VIOLATIONS; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"50-3-103. Rules promulgated by department. (1) Rules promulgated by the department by authority of 50-3-102 must be reasonable and calculated to effect the purposes of this chapter. They must include but are not 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 extinguishers, 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 or materials; 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 commerce and filing with the secretary of state.

(3) Federal or other nationally recognized standards for fire protection may be adopted in whole or in part by reference.

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

(5) Rules promulgated by the department may not require diked areas or heat-actuated or other

1 shutoff devices for storage tanks containing class I or class II liquids, as defined in the uniform fire code,
2 intended only for private use on farms and ranches.

3 ~~(6)~~ A person violating any rule made under the provisions of this part is guilty of a
4 misdemeanor."

5

6 **NEW SECTION. Section 2. Notice of violations.** (1) When the storage of class I or class II liquids,
7 as defined in the uniform fire code, in a tank on a farm or ranch is not in compliance with rules promulgated
8 by the department of justice, the person making the inspection or the department shall serve a written
9 warning notice upon the owner or operator of the tank.

10 (2) The notice must specify the violations found and the time within which the violations must be
11 corrected. A penalty may not be imposed if the violation is corrected within the time period allowed.

12

13 **NEW SECTION. Section 3. Codification instruction.** [Section 2] is intended to be codified as an
14 integral part of Title 50, chapter 62, part 1, and the provisions of Title 50, chapter 62, part 1, apply to
15 [section 2].

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17 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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House BILL NO. 224
Kutzyberg
INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING FIRE AND SAFETY REQUIREMENTS FOR FUEL TANKS ON FARMS AND RANCHES; PROVIDING FOR WRITTEN WARNING NOTICES FOR FARM AND RANCH TANK VIOLATIONS; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(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 commerce and filing with the secretary of state.

(3) Federal or other nationally recognized standards for fire protection may be adopted in whole or in part by reference.

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

(5) Rules promulgated by the department may not require diked areas or heat-actuated or other

1 shutoff devices for storage tanks containing class I or class II liquids, as defined in the uniform fire code,
2 intended only for private use on farms and ranches.

3 ~~(5)~~(6) A person violating any rule made under the provisions of this part is guilty of a
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6 **NEW SECTION. Section 2. Notice of violations.** (1) When the storage of class I or class II liquids,
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8 by the department of justice, the person making the inspection or the department shall serve a written
9 warning notice upon the owner or operator of the tank.

10 (2) The notice must specify the violations found and the time within which the violations must be
11 corrected. A penalty may not be imposed if the violation is corrected within the time period allowed.

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13 **NEW SECTION. Section 3. Codification instruction.** [Section 2] is intended to be codified as an
14 integral part of Title 50, chapter 62, part 1, and the provisions of Title 50, chapter 62, part 1, apply to
15 [section 2].

16

17 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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-END-

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15 [section 2].

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17 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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APPROVED BY COM ON AGRICULTURE,
LIVESTOCK & IRRIGATION

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INTRODUCED BY

Kutzbach House BILL NO. 224

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING FIRE AND SAFETY REQUIREMENTS FOR FUEL TANKS ON FARMS AND RANCHES; PROVIDING FOR WRITTEN WARNING NOTICES FOR FARM AND RANCH TANK VIOLATIONS; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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(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 commerce and filing with the secretary of state.

(3) Federal or other nationally recognized standards for fire protection may be adopted in whole or in part by reference.

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

(5) Rules promulgated by the department may not require diked areas or heat-actuated or other

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2 intended only for private use on farms and ranches.

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15 [section 2].

16

17 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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-END-

1 HOUSE BILL NO. 224

2 INTRODUCED BY KITZENBERG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING FIRE AND SAFETY REQUIREMENTS FOR FUEL
5 TANKS ON FARMS AND RANCHES; PROVIDING FOR WRITTEN WARNING NOTICES FOR FARM AND
6 RANCH TANK VIOLATIONS; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN IMMEDIATE
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21 film; combustible fibers; hazardous chemicals or materials; rubbish; open-flame devices; parking of vehicles;
22 dust explosions; lightning protection; storage of smokeless powder and small arms primers; and other
23 special fire hazards.

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

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28 or in part by reference.

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