

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

INTRODUCED BY _____

House BILL NO. *225*
Kitzberger

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE INSTALLATION OF ABOVEGROUND STORAGE TANKS IN SMALL COMMUNITIES; 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 prevent the proper installation of an aboveground storage tank in a community, city, or town with a population of 1,500 or less.

APPROVED BY COM ON
NATURAL RESOURCES

1 HOUSE BILL NO. 225

2 INTRODUCED BY KITZENBERG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE INSTALLATION OF ABOVEGROUND STORAGE
5 TANKS IN SMALL COMMUNITIES; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN
6 IMMEDIATE EFFECTIVE DATE."7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9
10 **Section 1.** Section 50-3-103, MCA, is amended to read:11 **"50-3-103. Rules promulgated by department.** (1) Rules promulgated by the department by
12 authority of 50-3-102 must be reasonable and calculated to effect the purposes of this chapter. They must
13 include but are not limited to requirements for design, construction, installation, operation, storage,
14 handling, maintenance, or use of structural requirements for various types of construction; building
15 restrictions within congested districts; exit facilities from structures; fire extinguishers, fire alarm systems,
16 and fire extinguishing systems; fire emergency drills; flue and chimney construction; heating devices;
17 electrical wiring and equipment; air conditioning, ventilating, and other duct systems; refrigeration systems;
18 flammable liquids; oil and gas wells; application of flammable finishes; explosives, acetylene, liquefied
19 petroleum gas, and similar products; calcium carbide and acetylene generators; flammable motion picture
20 film; combustible fibers; hazardous chemicals or materials; rubbish; open-flame devices; parking of vehicles;
21 dust explosions; lightning protection; storage of smokeless powder and small arms primers; and other
22 special fire hazards.23 (2) If rules relate to building and equipment standards covered by the state or a municipal building
24 code, the rules are effective upon approval of the department of commerce and filing with the secretary
25 of state.26 (3) Federal or other nationally recognized standards for fire protection may be adopted in whole
27 or in part by reference.

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

29 (5) Rules promulgated by the department may not prevent the proper installation of an aboveground
30 storage tank in a community, city, or town with a population of 1,500 or less IF THE TANK IS INSTALLED

1 IN CONFORMANCE WITH ALL OTHER APPLICABLE LAWS AND REGULATIONS.

2 ~~(5)~~(6) A person violating any rule made under the provisions of this part is guilty of a
3 misdemeanor."

4

5 NEW SECTION. Section 2. **Effective date.** [This act] is effective on passage and approval.

6

-END-

1 HOUSE BILL NO. 225

2 INTRODUCED BY KITZENBERG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE INSTALLATION OF ABOVEGROUND STORAGE
5 TANKS IN SMALL COMMUNITIES; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN
6 IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 50-3-103, MCA, is amended to read:

11 **"50-3-103. Rules promulgated by department.** (1) Rules promulgated by the department by
12 authority of 50-3-102 must be reasonable and calculated to effect the purposes of this chapter. They must
13 include but are not limited to requirements for design, construction, installation, operation, storage,
14 handling, maintenance, or use of structural requirements for various types of construction; building
15 restrictions within congested districts; exit facilities from structures; fire extinguishers, fire alarm systems,
16 and fire extinguishing systems; fire emergency drills; flue and chimney construction; heating devices;
17 electrical wiring and equipment; air conditioning, ventilating, and other duct systems; refrigeration systems;
18 flammable liquids; oil and gas wells; application of flammable finishes; explosives, acetylene, liquefied
19 petroleum gas, and similar products; calcium carbide and acetylene generators; flammable motion picture
20 film; combustible fibers; hazardous chemicals or materials; rubbish; open-flame devices; parking of vehicles;
21 dust explosions; lightning protection; storage of smokeless powder and small arms primers; and other
22 special fire hazards.

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

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

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

29 (5) Rules promulgated by the department may not prevent the proper installation of an aboveground
30 storage tank in a community, city, or town with a population of 1,500 or less IF THE TANK IS INSTALLED

1 IN CONFORMANCE WITH ALL OTHER APPLICABLE LAWS AND REGULATIONS.

2 ~~(5)~~(6) A person violating any rule made under the provisions of this part is guilty of a
3 misdemeanor."

4

5 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

6

-END-

HOUSE BILL NO. 225

INTRODUCED BY KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE INSTALLATION OF ABOVEGROUND STORAGE TANKS IN SMALL COMMUNITIES; 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 prevent the proper installation of an aboveground storage tank in a community, city, or town with a population of 1,500 or less IF THE TANK IS INSTALLED

1 IN CONFORMANCE WITH ALL OTHER APPLICABLE LAWS AND REGULATIONS.

2 ~~(5)(6)~~ A person violating any rule made under the provisions of this part is guilty of a
3 misdemeanor."

4

5 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

6

-END-

1 HOUSE BILL NO. 225

2 INTRODUCED BY KITZENBERG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE INSTALLATION OF ABOVEGROUND STORAGE
5 TANKS IN SMALL COMMUNITIES; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN
6 IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 50-3-103, MCA, is amended to read:

11 **"50-3-103. Rules promulgated by department.** (1) Rules promulgated by the department by
12 authority of 50-3-102 must be reasonable and calculated to effect the purposes of this chapter. They must
13 include but are not limited to requirements for design, construction, installation, operation, storage,
14 handling, maintenance, or use of structural requirements for various types of construction; building
15 restrictions within congested districts; exit facilities from structures; fire extinguishers, fire alarm systems,
16 and fire extinguishing systems; fire emergency drills; flue and chimney construction; heating devices;
17 electrical wiring and equipment; air conditioning, ventilating, and other duct systems; refrigeration systems;
18 flammable liquids; oil and gas wells; application of flammable finishes; explosives, acetylene, liquefied
19 petroleum gas, and similar products; calcium carbide and acetylene generators; flammable motion picture
20 film; combustible fibers; hazardous chemicals or materials; rubbish; open-flame devices; parking of vehicles;
21 dust explosions; lightning protection; storage of smokeless powder and small arms primers; and other
22 special fire hazards.

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

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

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

29 (5) Rules promulgated by the department may not prevent the proper installation of an aboveground
30 storage tank in a community, city, or town with a population of 1,500 or less IF THE TANK IS INSTALLED

1 IN CONFORMANCE WITH ALL OTHER APPLICABLE LAWS AND REGULATIONS.

2 ~~(5)(6)~~ A person violating any rule made under the provisions of this part is guilty of a
3 misdemeanor."

4

5 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

6

-END-