

**Unofficial Draft Copy**

As of: August 17, 2004 (5:17pm)

LC0041

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Energy and Telecommunications Interim Committee

A Bill for an Act entitled: "An Act providing that the energy and telecommunications interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the public service commission; eliminating the requirement that building code rules concerning energy conservation conform to policies developed under title 90, chapter 4, part 10; eliminating the requirement that the department of environmental quality and the environmental quality council maintain a continual process to develop the components of a comprehensive state energy policy; amending sections 5-5-230, 50-60-203, and 90-4-1001, MCA; and repealing sections 90-4-1002 and 90-4-1003, MCA."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 5-5-230, MCA, is amended to read:

**"5-5-230. Energy and telecommunications interim committee.** The energy and telecommunications interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of public service regulation and the ~~entities attached to the department for administrative purposes~~ public service commission."

{ *Internal References to 5-5-230:*  
x69-8-402 }

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**Section 2.** Section 50-60-203, MCA, is amended to read:

**"50-60-203. Department to adopt state building code by rule.**

(1) (a) 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, accessibility to persons with disabilities, sanitation, and conservation of energy. The adoption, amendment, or repeal of a rule is of significant public interest for purposes of 2-3-103.

(b) Rules concerning the conservation of energy must conform to the policy established in 50-60-801 ~~and to relevant policies developed under the provisions of Title 90, chapter 4, part 10.~~

(2) The department may adopt by reference nationally recognized building codes in whole or in part and may adopt rules more stringent than those contained in national codes.

(3) 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 department shall adopt rules that permit the installation of below-grade liquefied petroleum gas-burning appliances.

(5) (a) The department shall, by rule, adopt by reference the most recently published edition of the national fire protection association's publication NFPA 99C for the installation of medical gas piping systems. The department may, by rule, issue plumbing permits for medical gas piping systems and require inspections of

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medical gas piping systems.

(b) A state or local government building code compliance officer shall, as part of any inspection, request proof of a medical gas piping installation endorsement from any person who is required to hold an endorsement or who, in the inspector's judgment, appears to be involved with onsite medical gas piping activity. The inspector shall report any instance of endorsement violation to the inspector's employing agency, and the employing agency shall report the violation to the board of plumbers."

{ *Internal References to 50-60-203:*  
x50-60-101      x50-60-102      x50-60-102      x50-60-802 }

**Section 3.** Section 90-4-1001, MCA, is amended to read:

**"90-4-1001. State energy policy goal statement.** (1) It is the policy of the state of Montana to promote energy conservation, production, and consumption of a reliable and efficient mix of energy sources that represent the least social, environmental, and economic costs and the greatest long-term benefits to Montana citizens.

(2) In pursuing this goal, it is the policy of the state of Montana to:

(a) recognize that the state's energy system operates within the larger context of and is influenced by regional, national, and international energy markets;

(b) maintain a ~~continual process to review this energy policy statement and any future changes so that Montana's energy strategy will provide for a~~ balance between a sustainable environment and a viable economy; and

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(c) adopt a state transportation energy policy as provided in 90-4-1010 and an alternative fuels policy and implementing guidelines as provided in 90-4-1011."

{*Internal References to 90-4-1001: None.*}

NEW SECTION. **Section 4. {standard} Repealer.** Sections 90-4-1002 and 90-4-1003, MCA, are repealed.

{*Internal References to 90-4-1002: None.*}

*Internal References to 90-4-1003: rep90-4-1002 }*

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