

HOUSE BILL NO. 199

INTRODUCED BY A. OLSON

BY REQUEST OF THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ENERGY POLICY
6 DEVELOPMENT AND LEGISLATIVE OVERSIGHT; PROVIDING THAT THE ENERGY AND
7 TELECOMMUNICATIONS INTERIM COMMITTEE HAS ADMINISTRATIVE RULE REVIEW, DRAFT
8 LEGISLATION REVIEW, PROGRAM EVALUATION, AND MONITORING FUNCTIONS FOR THE PUBLIC
9 SERVICE COMMISSION; ~~ELIMINATING THE REQUIREMENT THAT BUILDING CODE RULES CONCERNING~~
10 ~~ENERGY CONSERVATION CONFORM TO POLICIES DEVELOPED UNDER TITLE 90, CHAPTER 4, PART~~
11 ~~10; ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND~~
12 ~~THE ENVIRONMENTAL QUALITY COUNCIL MAINTAIN A CONTINUAL PROCESS TO DEVELOP THE~~
13 ~~COMPONENTS OF A COMPREHENSIVE STATE ENERGY POLICY; REQUIRING THE ENERGY AND~~
14 ~~TELECOMMUNICATIONS INTERIM COMMITTEE INSTEAD OF THE ENVIRONMENTAL QUALITY COUNCIL~~
15 ~~TO MAINTAIN A CONTINUAL PROCESS TO DEVELOP THE COMPONENTS OF A COMPREHENSIVE STATE~~
16 ~~ENERGY POLICY;~~ AMENDING SECTIONS 5-5-230, ~~50-60-203, AND 90-4-1001~~ 90-4-1002, AND 90-4-1003,
17 MCA; ~~REPEALING SECTIONS 90-4-1002 AND 90-4-1003, MCA;~~ AND PROVIDING AN IMMEDIATE
18 EFFECTIVE DATE."

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

21
22 **Section 1.** Section 5-5-230, MCA, is amended to read:

23 **"5-5-230. Energy and telecommunications interim committee.** The energy and telecommunications
24 interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring
25 functions for the department of public service regulation and the ~~entities attached to the department for~~
26 ~~administrative purposes~~ public service commission."

27
28 ~~Section 2.~~ Section 50-60-203, MCA, is amended to read:

29 ~~"50-60-203. Department to adopt state building code by rule.~~ (1) (a) The department shall adopt
30 rules relating to the construction of, the installation of equipment in, and standards for materials to be used in

1 ~~all buildings or classes of buildings, including provisions dealing with safety, accessibility to persons with~~
 2 ~~disabilities, sanitation, and conservation of energy. The adoption, amendment, or repeal of a rule is of significant~~
 3 ~~public interest for purposes of 2-3-103.~~

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

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

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

10 ~~———(4) The department shall adopt rules that permit the installation of below-grade liquefied petroleum~~
 11 ~~gas-burning appliances.~~

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

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

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

23 ~~———"**90-4-1001. State energy policy goal statement.** (1) It is the policy of the state of Montana to promote~~
 24 ~~energy conservation, production, and consumption of a reliable and efficient mix of energy sources that~~
 25 ~~represent the least social, environmental, and economic costs and the greatest long-term benefits to Montana~~
 26 ~~citizens.~~

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

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

30 ~~———(b) maintain a continual process to review this energy policy statement and any future changes so that~~

1 Montana's energy strategy will provide for a balance between a sustainable environment and a viable economy;
2 and

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

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6 **SECTION 2. SECTION 90-4-1002, MCA, IS AMENDED TO READ:**

7 **"90-4-1002. Definitions.** As used in 90-4-1003, the following definitions apply:

8 (1) ~~"Council" means the environmental quality council established in 5-16-104~~ "Committee" means the
9 energy and telecommunications interim committee established in 5-5-230.

10 (2) "Department" means the department of environmental quality established in 2-15-3501."

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12 **SECTION 3. SECTION 90-4-1003, MCA, IS AMENDED TO READ:**

13 **"90-4-1003. Energy policy development process.** (1) The department and the ~~council~~ committee, in
14 cooperation with the consumer counsel and the public service commission, shall maintain a continual process
15 to develop the components of a comprehensive state energy policy.

16 (2) Because of limited state resources and the need to focus intensive effort on specific issues of
17 importance, the development of a comprehensive state energy policy must occur on an incremental basis. As
18 the need arises, the department, in cooperation with the appropriate state agencies and with extensive public
19 involvement, shall identify and recommend to the ~~council~~ committee specific components of a state energy policy
20 for development under the consensus process described in subsection (3).

21 (3) (a) Upon selection of a specific energy policy component, the ~~council~~ committee shall assign to a
22 working group composed of representatives of the parties with a stake in that specific component the task of
23 developing consensus recommendations for that component of state energy policy.

24 (b) The working group must include the broadest possible representation of stakeholders in the issues
25 to be included within the specific component of state energy policy.

26 (c) Whenever possible, the working group shall use a consensus process to develop recommendations
27 for a specific energy policy component to be submitted to the ~~council~~ committee. Recommendations that are not
28 based upon consensus must be so noted by the working group. Upon consideration of the working group's
29 recommendations, the ~~council~~ committee shall forward its recommendations to the legislature and to the
30 appropriate state agencies for adoption.

1 (d) The department shall:

2 (i) provide staff support to the working group, including policy analysis, data gathering, research,
3 technical analysis, and administrative support;

4 (ii) provide administrative coordination among the appropriate state agencies in the energy policy
5 development process;

6 (iii) prepare reports for and make recommendations to the ~~council~~ committee; and

7 (iv) consult regularly with the ~~council~~ committee to coordinate each agency's activities.

8 (4) In carrying out their responsibilities under this section, the department and the ~~council~~ committee
9 may contract with experts, consultants, and facilitators and may seek funding from a variety of private and public
10 sources for technical and other assistance necessary to accomplish their responsibilities."
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12 ~~NEW SECTION. Section 4. Repealer. Sections 90-4-1002 and 90-4-1003, MCA, are repealed.~~

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

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