



AN ACT REVISING STATE BUILDING CODES ADOPTED BY RULE; ALLOWING A PLACE OF RELIGIOUS WORSHIP TO USE ITS BUILDING SPACE FOR TEMPORARY OVERNIGHT VISITORS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 50-60-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. 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, except as provided in subsection (5), 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) The department may not include in the state building code a requirement for the installation of a fire sprinkler system in a single-family dwelling or a residential building that contains no more than two

dwelling units.

(6) (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 medical gas piping systems.

(b) A state, county, city, or town 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.

(7) (a) The department shall permit a place of religious worship to use its building space to accommodate temporary overnight visitors for the purpose of religious retreats, ministry programs, overnight events, and emergency or catastrophic occurrences or to provide shelter or to accommodate displaced persons due to hardship or inclement weather, provided that:

(i) a place of religious worship may not accommodate overnight visitors in the aggregate for more than 75 days in a calendar year unless the governor has declared a state of emergency pursuant to 10-3-303 or exigent circumstances exist;

(ii) a place of religious worship acting in accordance with this subsection (7) may not charge for the temporary accommodation of overnight visitors; and

(iii) a place of worship that temporarily accommodates overnight visitors as provided in this subsection (7) has one of the following:

(A) an automatic fire sprinkler system in the area used for temporary overnight accommodations that is monitored by a third party; or

(B) a hard-wired, stand-alone fire and smoke alarm in the area used for temporary overnight accommodations in addition to an exit door or window opening directly to a public way, exit court, or yard area.

(b) The use of places of religious worship that offer temporary overnight accommodations as allowed in subsection (7)(a) is not a change in occupancy, purpose, or use.

(c) A place of religious worship is not in violation of the state building code for the sole reason that

the place of worship hosts temporary overnight visitors as allowed in subsection (7)(a).

(8) As used in this section, "place of religious worship" means a building or portion of a building that is intended for the performance of religious services classified as assembly group A-3 by the International Building Code as it read on January 1, 2023."

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

- END -

I hereby certify that the within bill,
SB 195, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 195

INTRODUCED BY J. TREBAS, B. MITCHELL, J. HINKLE, S. GALLOWAY, C. FRIEDEL, K. BOGNER, D.

ZOLNIKOV

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