

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.301.131 incorporation by)	ADOPTION
reference of international building)	
code, 24.301.138 and 24.301.139)	
fees, 24.301.142 and 24.301.146)	
building code modifications,)	
24.301.171 incorporation by)	
reference of international existing)	
building code, 24.301.172)	
incorporation by reference of)	
international mechanical code,)	
24.301.173 incorporation by)	
reference of international fuel gas)	
code, 24.301.301, 24.301.351, and)	
24.301.371 plumbing requirements,)	
24.301.401, 24.301.402, 24.301.411,)	
24.301.421, 24.301.431, 24.301.441,)	
and 24.301.451 electrical)	
requirements, 24.301.461 inspection)	
fees, 24.301.491 refunds or credits,)	
and the adoption of NEW RULE I)	
definitions)	

TO: All Concerned Persons

1. On May 27, 2010, the Department of Labor and Industry (department) published MAR notice no. 24-301-246 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1244 of the 2010 Montana Administrative Register, issue no. 10.

2. On June 17, 2010, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. One comment was received by the June 25, 2010, deadline.

3. The department has thoroughly considered the comment received. A summary of the comment received and the board's response is as follows:

COMMENT 1: One commenter suggested that the department amend the rules to repeal or modify the "low-voltage exemption" to address instances where the raceways or wire for cabling projects have been run on top of acoustical ceiling tile grid or tied off to the grid support system contrary to code and adversely affecting the fire-resistive rating of a structure. The commenter stated that rules should require review of such installations in the plans stage and require a permit and inspection for cable and other low-voltage work as it is installed.

RESPONSE 1: The department recognizes the request to include certain types of low-voltage installations into the original or subsequent permitting of projects, in order to have the opportunity to inspect those installations. Currently, the Montana Code Annotated, not these rules, qualifies some exemption to low-voltage installations. Therefore, any changes to such exemptions must be achieved via the legislative process, not through administrative rulemaking.

The department does, however, recognize that not all low-voltage installations qualify for the exemption to permitting, and will work further with stakeholders on developing possible strategies to clarify permit requirements for those nonexempt installations.

4. The department has amended ARM 24.301.131, 24.301.138, 24.301.139, 24.301.142, 24.301.146, 24.301.171, 24.301.172, 24.301.173, 24.301.301, 24.301.351, 24.301.371, 24.301.401, 24.301.402, 24.301.411, 24.301.421, 24.301.431, 24.301.441, 24.301.451, 24.301.461, and 24.301.491 exactly as proposed.

5. The department has adopted NEW RULE I (24.301.109) exactly as proposed.

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 19, 2010