BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 24.301.146 pertaining to modifications to the International Building Code applicable to both the department's and local government code enforcement programs

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 22, 2021, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rule. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:
      Meeting ID: 825 2479 7123, Passcode: 617852
      -OR-
   b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
      Meeting ID: 825 2479 7123, Passcode: 617852

   The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Building Codes Program no later than 5:00 p.m., on June 15, 2021, to advise us of the nature of the accommodation that you need. Please contact Traci Collett, Building Codes Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; telephone (406) 841-2016; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; or buildingcodes@mt.gov.

3. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

   24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS
   (1) through (15) remain the same.
   (16) Delete Subsection 903.2.8 and replace with the following:
   "1. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:
"a. 9 or more transient guests or 5 or more transient guestrooms in R-1 or R-2 occupancies;
"b. 9 or more occupants in other than dwelling units;
"c. 5 or more dwelling units; or
"d. more than 2 stories in other than dwelling units.
"2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guestroom may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.
"3. "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less.
"4. "The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146."

(17) through (44) remain the same.

AUTH: 50-60-203, MCA
IMP: 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205, MCA

REASON: The 67th Montana Legislature passed Senate Bill 178, an act prohibiting state building codes from requiring mandatory installation of fire sprinkler systems in certain residential buildings. The bill was signed by the Governor and became effective April 22, 2021, and is codified at 50-60-203, MCA.

The bill prohibits state building codes from requiring fire sprinkler systems in single-family dwellings or residential buildings containing no more than two dwelling units. The department determined it is reasonably necessary to amend this rule to implement Senate Bill 178 by clarifying the buildings that must have automatic sprinkler systems under the new law.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Building Codes Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517, by facsimile to (406) 841-2050, or e-mail to buildingcodes@mt.gov, and must be received no later than 5:00 p.m., June 25, 2021.

5. An electronic copy of this notice of public hearing is available at https://buildingcodes.mt.gov (department and program’s web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request that includes the name, e-
mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Building Codes Program administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Building Codes Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; faxed to the office at (406) 841-2050; e-mailed to buildingcodes@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on April 27, 2021, by telephone and electronic mail.

8. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.301.146 will not significantly and directly impact small businesses. Documentation of the department's above-stated determination is available upon request to the Building Codes Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; telephone (406) 841-2016; facsimile (406) 841-2050; or to buildingcodes@mt.gov.

9. Traci Collett, Program Manager, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE  /s/ LAURIE ESAU
Darcee L. Moe Laurie Esau, Commissioner
Rule Reviewer DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 18, 2021.