



AN ACT REVISING THE STATE BUILDING CODE TO REQUIRE THE ADOPTION OF ENERGY-EFFICIENT CONSTRUCTION STANDARDS THAT THE DEPARTMENT OF LABOR AND INDUSTRY CAN DEMONSTRATE WILL RESULT IN ENOUGH ENERGY SAVINGS TO PAY FOR THE PURCHASE AND INSTALLATION OF ANY EQUIPMENT OR MATERIALS INSTALLED WITHIN THE FIRST 5 YEARS OF OCCUPANCY; REQUIRING THE DEPARTMENT TO USE THE 2009 BUILDING CODES AS THE BASELINE FROM WHICH TO EVALUATE FUTURE PROPOSED CHANGES TO THE BUILDING CODES AND TO DEVELOP COST ESTIMATES FOR ANY PROPOSED CHANGES TO THE BUILDING CODES; AND AMENDING SECTIONS 50-60-201 AND 50-60-203, MCA.

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

**Section 1.** Section 50-60-201, MCA, is amended to read:

**"50-60-201. Purpose of state building code.** The state building code must be designed to effectuate the general purposes of parts 1 through 4 and the following specific objectives and standards to:

(1) provide reasonably uniform standards and requirements for construction and construction materials consistent with accepted standards of design, engineering, and fire prevention practices;

(2) permit to the fullest extent feasible the use of modern technical methods, devices, and improvements that tend to reduce the cost of construction consistent with reasonable requirements for the health and safety of the occupants or users of buildings and, consistent with the conservation of energy, by design requirements and criteria that will result in the efficient use of energy, whether used directly or in a refined form, in buildings;

(3) eliminate restrictive, obsolete, conflicting, and unnecessary building regulations and requirements that tend to unnecessarily increase construction costs, unnecessarily prevent the use of proven new materials that have been found adequate through experience or testing, or provide unwarranted preferential treatment to types or classes of materials, products, or methods of construction;

(4) ensure that any newly constructed public buildings and certain altered public buildings are readily accessible to and usable by persons with disabilities, according to the principles applicable to accessibility to

public buildings for persons with disabilities in the state building code;

(5) ensure statewide uniformity in the inspection and enforcement of exterior features of all newly constructed public buildings and certain altered public buildings, including building sites, for physical accessibility to people with disabilities;

(6) promote housing affordability with respect to construction standards by encouraging only those energy efficiency measures that the department can demonstrate will result in enough energy savings to pay for the purchase and installation of any equipment or materials within the first 5 years of occupancy;

~~(6) encourage efficiencies of design and insulation that enable buildings to be heated in the winter with the least possible quantities of energy and to be kept cool in the summer without air-conditioning equipment or with the least possible use of the equipment;~~

~~————(7) encourage efficiencies and criteria directed toward design of building envelopes with high thermal resistance and low air leakage and toward requiring practices in the design and selection of mechanical, electrical, and illumination systems that promote the efficient use of energy;~~

~~(8)(7) provide, to the greatest extent possible, with the advice and consent of the building codes council and the Montana chapter of the international conference of building officials, a broadly uniform system of building code interpretations for the purposes of affordability, predictability, fairness, and efficiency."~~

**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) (a) 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.

(b) The department shall use the 2009 building codes adopted as of [the effective date of this act] as the baseline from which to evaluate future proposed changes to the building codes. The department shall develop

cost estimates for any proposed changes to the building codes.

(c) The department may adopt energy-efficient construction standards only if the department demonstrates that the standards provide enough energy savings to pay for the purchase and installation of any equipment or materials installed pursuant to the adopted standards within the first 5 years of occupancy.

(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 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."

- END -

I hereby certify that the within bill,  
SB 0159, originated in the Senate.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

SENATE BILL NO. 159  
INTRODUCED BY J. PRIEST

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