

1 *House* BILL NO. *473* *Miley*
 2 INTRODUCED BY ~~FAGEE LOCKREM Bradley Hager Kemmis~~
 3 ~~Lehye Budmore Mayahan Eiland Marks, Dunson~~
 4 A BILL FOR AN ACT ENTITLED: ^{*Ms. Fullard*} "AN ACT REQUIRING THE ADOPTION
 5 OF RULES TO PROMOTE CONSERVATION AND EFFICIENT USE OF ENERGY
 6 IN THE STATE BUILDING CODE; AMENDING SECTIONS 69-2110 AND
 7 69-2111, R.C.M. 1947." *Jupich*

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 69-2110, R.C.M. 1947, is amended to
 11 read as follows:

12 "69-2110. Purposes of state building code. The state
 13 building code shall be designed to effectuate the general
 14 purposes of this chapter and the following specific
 15 objectives and standards to:

16 (1) provide reasonably uniform standards and
 17 requirements for construction and construction materials,
 18 consonant with accepted standards of design, engineering and
 19 fire prevention practices;

20 (2) permit to the fullest extent feasible, the use of
 21 modern technical methods, devices, and improvements which
 22 tend to reduce the cost of construction consistent with
 23 reasonable requirements for the health and safety of the
 24 occupants or users of buildings; and consistent with the
 25 conservation of energy by heating and cooling buildings in

1 the most efficient manner possible;
 2 (3) eliminate restrictive, obsolete, conflicting, and
 3 unnecessary building regulations and requirements which tend
 4 to increase unnecessarily construction costs or retard
 5 unnecessarily the use of proven new materials which have
 6 been found adequate through experience or testing, or
 7 provide unwarranted preferential treatment to types or
 8 classes of materials or products or methods of construction;
 9 (4) ensure that buildings constructed with public funds
 10 are accessible to, and functional for, physically
 11 handicapped persons where practicable and feasible;
 12 (5) encourage efficiencies of design and insulation
 13 which enable buildings to be heated in the winter with the
 14 least possible quantities of energy and to be kept cool in
 15 the summer without air conditioning equipment or with the
 16 least possible use of such equipment."

17 Section 2. Section 69-2111, R.C.M. 1947, is amended to
 18 read as follows:

19 "69-2111. Adoption of rules by department. (1) The
 20 department shall adopt by reference nationally recognized
 21 building codes in whole or in part, amend and repeal rules
 22 relating to the construction of all buildings or classes of
 23 buildings or the installation of equipment in those
 24 buildings, and may by rule prescribe standards or
 25 requirements for materials to be used in buildings including

1 provisions dealing with safety, ~~and~~ sanitation and
 2 conservation of energy. The rules, when adopted as provided
 3 in this chapter, constitute the "state building code" and
 4 shall be acceptable for the buildings to which it is
 5 applicable.

6 (2) The department may hold hearings relating to the
 7 administration of this act in accordance with the Montana
 8 Administrative Procedure Act.

9 (3) Except as provided in subsection (4) of this
 10 section, no rule and no amendment or repeal of the state
 11 building code shall take effect until after a public hearing
 12 by the department.

13 (4) If a hearing has been held by the department of
 14 justice with respect to its duties contained in title 82,
 15 chapter 12, the board of plumbers, the department of health
 16 and environmental sciences, or state electrical board on a
 17 proposed rule relating to building and equipment standards
 18 in their respective fields, a public hearing by the
 19 department is not required. The proposed rule is effective
 20 upon approval of the department and filing with the
 21 secretary of state as a part of the state building code.

22 (5) If a rule relating to building or equipment
 23 standards is proposed by the department of justice with
 24 respect to its duties contained in Title 82, chapter 12,
 25 board of plumbers, department of health and environmental

1 sciences, or state electrical board which conflicts with the
 2 state building code, the department shall modify the
 3 proposed rule or the state building code to resolve the
 4 conflict after consultation with the state agencies
 5 affected."

-End-

Approved by Committee
on Natural Resources

1 HOUSE BILL NO. 473

2 INTRODUCED BY FAGG, LOCKREM, BRADLEY, HAGER,
3 MELOY, KEMMIS, SCHYE, BARDANOUVE, MENAHAN, ELLERD,
4 MARKS, DRISCOLL, MCKITTRICK, LYNCH

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1 occupants or users of buildings; ~~and-consistent-with-the~~
2 ~~conservation-of-energy-by-heating-and-cooling--buildings--in~~
3 ~~the--most--efficient-manner-possible~~ AND CONSISTENT WITH THE
4 CONSERVATION OF ENERGY BY DESIGN REQUIREMENTS AND CRITERIA
5 THAT WILL RESULT IN THE EFFICIENT UTILIZATION OF ENERGY,
6 WHETHER USED DIRECTLY OR IN A REFINED FORM, IN BUILDINGS;

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19 least possible quantities of energy and to be kept cool in
20 the summer without air conditioning equipment or with the
21 least possible use of such equipment;

22 (6) ENCOURAGE EFFICIENCIES AND CRITERIA DIRECTED
23 TOWARD DESIGN OF BUILDING ENVELOPES WITH HIGH THERMAL
24 RESISTANCE AND LOW AIR LEAKAGE AND TOWARD REQUIRING
25 PRACTICES IN THE DESIGN AND SELECTION OF MECHANICAL,

1 ELECTRICAL AND ILLUMINATION SYSTEMS WHICH PROMOTE THE
 2 EFFICIENT USE OF ENERGY."

3 Section 2. Section 69-2111, R.C.M. 1947, is amended to
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 18 administration of this act in accordance with the Montana
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20 (3) Except as provided in subsection (4) of this
 21 section, no rule and no amendment or repeal of the state
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24 (4) If a hearing has been held by the department of
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