

SENATE BILL 47

IN THE SENATE

January 5, 1979

Introduced.

On motion, Senators Lockrem, Thomas, Dover, Himsl, Thiessen and Jergeson were added as authors to the pre-filed bill.

Referred to Committee on Local Government.

January 25, 1979

Fiscal Note requested.

January 31, 1979

Fiscal Note returned.

February 19, 1979

Committee recommend bill, as amended.

Statement of Intent adopted.

February 22, 1979

Second reading, indefinitely postponed.

SENATE BILL NO. 47

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY, REVISE, AND STANDARDIZE ALL LAWS RELATING TO BUILDING CODES, ELECTRICAL CODES, AND PLUMBING AND MECHANICAL CODES; TO ADOPT A UNIFORM BUILDING CODE FOR THE STATE OF MONTANA; TO TRANSFER ALL ENFORCEMENT OF BUILDING CODES, ELECTRICAL CODES, AND PLUMBING AND MECHANICAL CODES TO LOCAL GOVERNMENT ENTITIES; REPEALING SECTIONS 50-60-101 THROUGH 50-60-110, 50-60-201 THROUGH 50-60-206, 50-60-301, 50-60-302, 50-60-303, 50-60-401, 50-60-402, 50-60-403, 50-60-504 THROUGH 50-60-514, AND 50-60-604 THROUGH 50-60-607, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Purpose. It is recognized that a multitude of laws, ordinances, rules, and codes regulating the construction of buildings and the use of materials therein is a factor contributing to the high cost of building construction. Many requirements are obsolete, conflicting, and unnecessary, serving only to increase cost without providing correlative benefits of safety to owners, tenants, and other occupants of buildings. [This act] is to enable

the department of administration to promulgate and administer a uniform statewide building, electrical, and plumbing and mechanical code which shall govern the construction, reconstruction, alteration, and repair of all buildings and other structures and equipment to which these codes are applicable.

Section 2. Definitions. As used in [this act], the following definitions apply:

(1) "Building" means any structure, including factory built buildings, and attached facilities intended for use or occupancy by persons or property. However, the term building does not include farm dwellings or outbuildings.

(2) "Code" means the state building code, electrical code, plumbing and mechanical code, dangerous building code, energy code, or any amendments thereto promulgated by the department.

(3) "Department" means the Montana department of administration created by 2-15-1001.

(4) "Equipment" means all plumbing, heating, and electrical installations; ventilating, air conditioning, and refrigerating equipment; elevators, escalators, and dumbwaiters; and other mechanical additions or installations. However, the term equipment does not cover the installation or inspection of boilers and related equipment.

1 (5) "Local building department" means that division or
2 agency of any local government entity charged with the
3 supervision and enforcement of the code, approval of plans,
4 inspections of buildings, or the issuance of permits,
5 certificates, or other documents required by [this act] or
6 the state building codes.

7 (6) "Local government entity" means any incorporated
8 city or town or county and their respective jurisdictional
9 areas as defined by subsection (8).

10 (7) "Local legislative body" means the council, board,
11 or commission charged by law with governing the local
12 government entity.

13 (8) "Municipal jurisdictional area" means that area
14 within the limits of an incorporated municipality and that
15 area $\frac{1}{2}$ miles outside the limits of the municipality
16 regardless of whether the area has been zoned by the local
17 legislative body.

18 (9) "County jurisdictional area" means all lands
19 within the borders of the county not included in the
20 municipal jurisdictional area of an incorporated city or
21 town.

22 (10) "Owner" means the owner of the premises, a
23 mortgagee in possession, or a receiver, personal
24 representative, lessor, trustee, or any other person, firm,
25 or corporation having control of the building.

1 (11) "Recreational vehicles" means any defined
2 recreational vehicle in any edition of the National Fire
3 Protection Association, publication No. 501C, or the
4 American National Standards Institution, publication No.
5 A119.2, as such editions are subsequently revised and
6 adopted by the department of administration.

7 Section 3. Purpose of state building code. The state
8 building code shall be drafted to achieve the following
9 specific objectives:

10 (1) provide uniform standards and requirements for
11 construction and construction materials, consonant with
12 generally accepted engineering and design standards;

13 (2) provide for the use of modern technical methods,
14 devices, and improvements which tend to reduce the cost of
15 construction consistent with reasonable requirements for the
16 health and safety of the occupants or users of buildings;

17 (3) achieve the conservation of energy by design
18 requirements and criteria that will result in the efficient
19 utilization of energy whether used directly or in refined
20 form;

21 (4) encourage efficiencies of design and insulation
22 which enable buildings to be heated in the winter with the
23 least possible quantities of energy and to be kept cool in
24 the summer without air conditioning equipment or with the
25 least possible use of such equipment;

1 (5) insure that buildings constructed with public
2 funds are accessible to and functional for physically
3 handicapped persons where feasible.

4 Section 4. Powers and duties of the department. To
5 carry out the provisions of [this act] the department of
6 administration shall:

7 (1) on or before January 1, 1980, adopt by rule the
8 state building code for the construction, reconstruction,
9 renovation, alteration, and repair of all buildings,
10 governing matters of design and construction, structural
11 materials, health and sanitation, public safety, fire
12 protection, plumbing and mechanical installations and
13 equipment, heating, ventilation and air conditioning,
14 electrical installations, and energy design. The department
15 may adopt by reference, in whole or in part, nationally
16 recognized codes including but not limited to the Uniform
17 Building Code and all appendixes thereto; Uniform Housing
18 Code; Uniform Code for the Abatement of Dangerous Buildings;
19 American National Safety Code for Elevators, Dumbwaiters,
20 Escalators, and Moving Walks; Uniform Mechanical Codes;
21 Uniform Plumbing Code; and the National Electrical Code. The
22 adoption of such codes including their alteration,
23 amendment, or repeal shall be subject to the rulemaking
24 provisions of the Montana Administrative Procedure Act.

25 (2) review and approve for code compliance the plans

1 and specifications for the construction, reconstruction,
2 renovation, alteration, and repair of all state-owned
3 buildings and facilities;

4 (3) review and approve for code compliance the plans
5 and specifications of all school buildings in accordance
6 with 20-6-622 and 20-6-623;

7 (4) adopt by rule standards governing the
8 construction, components, systems, and appliances used in
9 all factory built buildings and recreational vehicles
10 manufactured or sold in Montana. The department may adopt
11 those model standards recommended by the national fire
12 protection association or the American national standards
13 institute applicable to recreational vehicles. The
14 department shall further establish a program for the
15 certification and inspection of all factory built buildings
16 and recreational vehicles, including plan review, and no
17 factory built building or recreational vehicle can be
18 manufactured, sold, or offered for sale in Montana that does
19 not bear the inspection seal or insignia of the department.
20 The department may recognize and automatically certify the
21 insignias of other states whose standards are equal to or
22 exceed those adopted by the department. The department may
23 also enter into reciprocity agreements with other states on
24 behalf of the state of Montana to mutually adopt uniform
25 standards and certification requirements.

1 (5) establish a technical assistance program for local
2 government entities to aid them in performing those duties
3 and responsibilities set forth in [section 5 of this act].

4 Section 5. Powers and duties of local government
5 entities -- code enforcement. (1) In order to carry out the
6 provisions of [this act] all local government entities
7 shall:

8 (a) on or before July 1, 1980, adopt by appropriate
9 resolution or ordinance the state building code as
10 promulgated by the department. No local government entity
11 shall adopt a building code that varies in whole or in part
12 from the code adopted by the department. All rules amending
13 or repealing the state building code or any portion thereof
14 by the department shall be adopted by all local government
15 entities within 90 days after the effective date of
16 department's amendment or repealer. The department shall
17 give actual notice of any proposed rule amending or
18 repealing any portion of the code to all local government
19 entities.

20 (b) on or before July 1, 1980, establish a building
21 department or appoint a building official responsible for
22 the exclusive enforcement of the building code within the
23 jurisdictional area of the respective local government
24 entity. Local government entities may by interlocal
25 agreement jointly establish such building departments or

1 appoint building officials to mutually enforce the state
2 building code on a regional basis. The cost of such a mutual
3 code enforcement program shall be apportioned as provided in
4 the interlocal agreement.

5 (2) For the construction, alteration, renovation, or
6 repair of any building except state-owned buildings subject
7 to the provisions of [this act], the local government
8 entities may require building permits. If required, any
9 person, firm, or corporation engaged in construction or any
10 other activities subject to the provisions of [this act]
11 must receive a building permit from the local government
12 entity prior to commencement of construction.

13 Section 6. Inspection and plan review. All local
14 government entities are empowered to review and approve
15 plans and specifications and conduct on-site inspections of
16 all buildings subject to the building code. Any plan,
17 design, or construction practice found in violation of the
18 building code by the local building department or building
19 official shall be ordered corrected by the building
20 department. The local building department may further order
21 the cessation of all construction on the building until the
22 code violation is corrected. Any person, firm, or
23 corporation subject to or aggrieved by an order for
24 correction may appeal the order of the local building
25 department or building official, within 30 days after

1 receipt, to the local government entity exercising
2 jurisdiction. The final decision of the local government
3 entity may be appealed to the district court of the judicial
4 district in which the building is located.

5 Section 7. Electrical installation -- inspections. (1)
6 The local government entity charged with enforcement of the
7 building code shall make inspections of electrical
8 installations and issue certificates of inspection for all
9 such installations.

10 (2) Individuals, firms, cooperatives, corporations, or
11 municipalities selling electricity are power suppliers.
12 Except for temporary connections not to exceed 10 days,
13 which may be authorized by the local government entity, no
14 power supplier shall connect with or energize an electrical
15 installation unless the owner or a licensed electrical
16 contractor as defined by 37-68-102 has furnished the power
17 supplier an inspection certificate covering the installation
18 issued by the local government entity.

19 (3) It is unlawful for any person, firm, or
20 corporation other than a power supplier to energize an
21 electrical installation unless an inspection certificate has
22 been delivered to the local government entity.

23 Section 8. Fees. (1) The local government entities may
24 adopt in conjunction with the state building code a
25 reasonable fee schedule for the issuance of building

1 permits, site inspections, and the review of plans and
2 specifications.

3 (2) The department may adopt reasonable fees for the
4 review of all plans and specifications required under [this
5 act] and for the issuance of certificates or insignias
6 approving all factory built buildings and recreational
7 vehicles.

8 Section 9. Code Interpretation. The department is the
9 final interpreter of the meaning and application of the
10 state building code. Any person, firm, corporation,
11 partnership, or local government entity may petition the
12 department for a declaratory ruling pursuant to 2-4-501. All
13 declaratory rulings of the department issued pursuant to
14 this section are binding on all local government entities.

15 Section 10. Violations -- misdemeanor. Any person,
16 firm, or corporation that intentionally violates a provision
17 of the state building code or fails to obey a corrective
18 order from the local building department is guilty of a
19 misdemeanor. Each day in which the violation of the code or
20 corrective order remains unremedied constitutes a separate
21 offense.

22 Section 11. Repealer. Sections 50-60-101 through
23 50-60-110, 50-60-201 through 50-60-206, 50-60-301,
24 50-60-302, 50-60-303, 50-60-401, 50-60-402, 50-60-403,
25 50-60-504 through 50-60-514, and 50-60-604 through

LC 0238701

- 1 50-60-607, NCA, are repealed.
- 2 Section 12, Effective date. This act is effective upon
- 3 passage and approval, except section 11 which is effective
- 4 July 1, 1980.

~~-End-~~

1 STATEMENT OF INTENT RE: SB 47

2
3
4 A statement of intent is required for this bill because
5 it delegates rulemaking authority to the Department of
6 Administration in section 4.

7 Section 4(1) of the bill requires the Department of
8 Administration to adopt by rule a uniform state building
9 code governing all matters of design, construction,
10 materials, health and safety, including all mechanical,
11 electrical, and plumbing installations. This bill also
12 authorizes the adoption of nationally recognized codes such
13 as the Uniform Building Code, Uniform Plumbing Code, and the
14 National Electrical Code. Section 4(4) further requires the
15 department to adopt standards governing the construction,
16 components, systems, and appliances used in all
17 factory-built buildings and recreational vehicles
18 manufactured or sold in Montana.

19 Section 4 is intended to simply retain rulemaking
20 authority currently exercised by the department under
21 existing law. None of the rulemaking authority delegated to
22 the department in the bill institutes new or expanded
23 rulemaking authority. All of the nationally recognized codes
24 mentioned in the bill are currently adopted by the
25 department and are enforced by either the department or a

1 municipality within its jurisdictional area.

2 It is the intent of this bill to grant to the
3 department sole and exclusive authority to adopt building
4 codes except as otherwise provided by law. This bill is also
5 intended to reserve to the cities and counties the exclusive
6 power to enforce the codes as promulgated by the department,
7 with the exception of the enforcement of standards related
8 to factory-built buildings and recreational vehicles.

9 First adopted by the SENATE COMMITTEE ON LOCAL
10 GOVERNMENT on February 17, 1979.

SENATE BILL NO. 47

INTRODUCED BY LOCKREM, THOMAS, DOVER,

HIMSL, THIESSEN, JERGESON

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY, REVISE, AND STANDARDIZE ALL LAWS RELATING TO BUILDING CODES, ELECTRICAL CODES, AND PLUMBING AND MECHANICAL CODES; TO ADOPT A UNIFORM BUILDING CODE FOR THE STATE OF MONTANA; TO TRANSFER ALL ENFORCEMENT OF BUILDING CODES, ELECTRICAL CODES, AND PLUMBING AND MECHANICAL CODES TO LOCAL GOVERNMENT ENTITIES; REPEALING SECTIONS 50-60-101 THROUGH 50-60-110, 50-60-201 THROUGH 50-60-206, 50-60-301, 50-60-302, 50-60-303, 50-60-401, 50-60-402, 50-60-403, 50-60-504 THROUGH 50-60-514, AND 50-60-604 THROUGH 50-60-607, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Purpose. It is recognized that a multitude of laws, ordinances, rules, and codes regulating the construction of buildings and the use of materials therein is a factor contributing to the high cost of building construction. Many requirements are obsolete, conflicting, and unnecessary, serving only to increase cost without providing correlative benefits of safety to owners, tenants,

and other occupants of buildings. [This act] is to enable the department of administration to promulgate and administer a uniform statewide building, electrical, and plumbing and mechanical code which shall govern the construction, reconstruction, alteration, and repair of all buildings and other structures and equipment to which these codes are applicable.

Section 2. Definitions. As used in [this act], the following definitions apply:

(1) "Building" means any structure, including factory built buildings, and attached facilities intended for use or occupancy by persons or property. However, the term building does not include farm dwellings or outbuildings.

(2) "Code" means the state building code, electrical code, plumbing and mechanical code, dangerous building code, energy code, or any amendments thereto promulgated by the department.

(3) "Department" means the Montana department of administration created by 2-15-1001.

(4) "Equipment" means all plumbing, heating, and electrical installations; ventilating, air conditioning, and refrigerating equipment; elevators, escalators, and dumbwaiters; and other mechanical additions or installations. However, the term equipment does not cover the installation or inspection of boilers and related

1 equipment.

2 (5) "Local building department" means that division or
3 agency of any local government entity charged with the
4 supervision and enforcement of the code, approval of plans,
5 inspections of buildings, or the issuance of permits,
6 certificates, or other documents required by [this act] or
7 the state building codes.

8 (6) "Local government entity" means any incorporated
9 city or town or county and their respective jurisdictional
10 areas as defined by subsection (8).

11 (7) "Local legislative body" means the council, board,
12 or commission charged by law with governing the local
13 government entity.

14 (8) "Municipal jurisdictional area" means that area
15 within the limits of an incorporated municipality and that
16 area 4 1/2 miles outside the limits of the municipality
17 regardless of whether the area has been zoned by the local
18 legislative body.

19 (9) "County jurisdictional area" means all lands
20 within the borders of the county not included in the
21 municipal jurisdictional area of an incorporated city or
22 town.

23 (10) "Owner" means the owner of the premises, a
24 mortgagee in possession, or a receiver, personal
25 representative, lessor, trustee, or any other person, firm,

1 or corporation having control of the building.

2 (11) "Recreational vehicles" means any defined
3 recreational vehicle in any edition of the National Fire
4 Protection Association, publication No. 501C, or the
5 American National Standards Institution, publication No.
6 A119.2, as such editions are subsequently revised and
7 adopted by the department of administration.

8 ~~(12) "PUBLIC PLACE" MEANS ANY BUILDING OWNED OR~~
9 ~~OCCUPIED BY A GOVERNMENT ENTITY OR ANY BUILDING WHERE~~
10 ~~MEMBERS OF THE GENERAL PUBLIC HAVE A RIGHT OF ACCESS.~~

11 Section 3. Purpose of state building code. The state
12 building code shall be drafted to achieve the following
13 specific objectives:

14 (1) provide uniform standards and requirements for
15 construction and construction materials, consonant with
16 generally accepted engineering and design standards;

17 (2) provide for the use of modern technical methods,
18 devices, and improvements which tend to reduce the cost of
19 construction consistent with reasonable requirements for the
20 health and safety of the occupants or users of buildings;

21 (3) achieve the conservation of energy by design
22 requirements and criteria that will result in the efficient
23 utilization of energy whether used directly or in refined
24 form;

25 (4) encourage efficiencies of design and insulation

1 which enable buildings to be heated in the winter with the
 2 least possible quantities of energy and to be kept cool in
 3 the summer without air conditioning equipment or with the
 4 least possible use of such equipment;

5 (5) insure that buildings constructed with public
 6 funds are accessible to and functional for physically
 7 handicapped persons where feasible.

8 Section 4. Powers and duties of the department. To
 9 carry out the provisions of [this act] the department of
 10 administration shall:

11 (1) on or before January 1, 1980, adopt by rule the
 12 state building code for the construction, reconstruction,
 13 renovation, alteration, and repair of all buildings,
 14 governing matters of design and construction, structural
 15 materials, health and sanitation, public safety, fire
 16 protection, plumbing and mechanical installations and
 17 equipment, heating, ventilation and air conditioning,
 18 electrical installations, and energy design. The department
 19 may adopt by reference, in whole or in part, nationally
 20 recognized codes including but not limited to the Uniform
 21 Building Code and all appendixes thereto; Uniform Housing
 22 Code; Uniform Code for the Abatement of Dangerous Buildings;
 23 American National Safety Code for Elevators, Dumbwaiters,
 24 Escalators, and Moving Walks; Uniform Mechanical Codes;
 25 Uniform Plumbing Code; UNIFORM FIRE CODE; and the National

1 Electrical Code. The adoption of such codes including their
 2 alteration, amendment, or repeal shall be subject to the
 3 rulemaking provisions of the Montana Administrative
 4 Procedure Act.

5 (2) review and approve for code compliance the plans
 6 and specifications for the construction, reconstruction,
 7 renovation, alteration, and repair of all state-owned
 8 buildings and facilities;

9 (3) review and approve for code compliance the plans
 10 and specifications of all school buildings in accordance
 11 with 20-6-622 and 20-6-623;

12 (4) adopt by rule standards governing the
 13 construction, components, systems, and appliances used in
 14 all factory built buildings and recreational vehicles
 15 manufactured or sold in Montana. The department may adopt
 16 those model standards recommended by the national fire
 17 protection association or the American national standards
 18 institute applicable to recreational vehicles. The
 19 department shall further establish a program for the
 20 certification and inspection of all factory built buildings
 21 and recreational vehicles, including plan review, and no
 22 factory built building or recreational vehicle can be
 23 manufactured, sold, or offered for sale in Montana that does
 24 not bear the inspection seal or insignia of the department.
 25 The department may recognize and automatically certify the

1 insignias of other states whose standards are equal to or
 2 exceed those adopted by the department. The department may
 3 also enter into reciprocity agreements with other states on
 4 behalf of the state of Montana to mutually adopt uniform
 5 standards and certification requirements.

6 (5) establish a technical assistance program for local
 7 government entities to aid them in performing those duties
 8 and responsibilities set forth in [section 5 of this act].

9 Section 5. Powers and duties of local government
 10 entities -- code enforcement. (1) In order to carry out the
 11 provisions of [this act] all local government entities
 12 shall:

13 (a) on or before July 1, 1980, adopt by appropriate
 14 resolution or ordinance the state building code as
 15 promulgated by the department. No local government entity
 16 shall adopt a building code that varies in whole or in part
 17 from the code adopted by the department. All rules amending
 18 or repealing the state building code or any portion thereof
 19 by the department shall be adopted by all local government
 20 entities within 90 days after the effective date of
 21 department's amendment or repealer. The department shall
 22 give actual notice of any proposed rule amending or
 23 repealing any portion of the code to all local government
 24 entities.

25 (b) on or before July 1, 1980, establish a building

1 department or appoint a building official responsible for
 2 the exclusive enforcement of the building code within the
 3 jurisdictional area of the respective local government
 4 entity, PROVIDED THAT NO PROVISION OF THE CODE CAN BE
 5 APPLIED OR ENFORCED AGAINST THE OWNER OF AN ELEVATOR
 6 OPERATED UNDER A MAINTENANCE AGREEMENT WITH A NATIONALLY
 7 RECOGNIZED ELEVATOR MANUFACTURER OR REGULARLY INSPECTED BY A
 8 LICENSED INSURANCE COMPANY THAT HAS ISSUED A PUBLIC
 9 LIABILITY INSURANCE POLICY COVERING THE OPERATION OF THE
 10 ELEVATOR. Local government entities may by interlocal
 11 agreement jointly establish such building departments or
 12 appoint building officials to mutually enforce the state
 13 building code on a regional basis. The cost of such a mutual
 14 code enforcement program shall be apportioned as provided in
 15 the interlocal agreement.

16 (2) For the construction, alteration, renovation, or
 17 repair of any building except state-owned buildings subject
 18 to the provisions of [this act], the local government
 19 entities may require building permits. If required, any
 20 person, firm, or corporation engaged in construction or any
 21 other activities subject to the provisions of [this act]
 22 must receive a building permit from the local government
 23 entity prior to commencement of construction. NOTHING IN
 24 [THIS ACT] INFRINGES ON THE AUTHORITY OF THE DEPARTMENT OF
 25 HEALTH AND ENVIRONMENTAL SCIENCES AND THE STATE FIRE MARSHAL

1 TO ENFORCE STATUTES AND RULES WITHIN THE MUNICIPAL
 2 JURISDICTIONAL AREA AND THE COUNTY JURISDICTIONAL AREA.

3 Section 6. Inspection and plan review. All local
 4 government entities are empowered to review and approve
 5 plans and specifications and conduct on-site inspections of
 6 all buildings subject to the building code. Any plan,
 7 design, or construction practice found in violation of the
 8 building code by the local building department or building
 9 official shall be ordered corrected by the building
 10 department. The local building department may further order
 11 the cessation of all construction on the building until the
 12 code violation is corrected. Any person, firm, or
 13 corporation subject to or aggrieved by an order for
 14 correction may appeal the order of the local building
 15 department or building official, within 30 days after
 16 receipt, to the local government entity exercising
 17 jurisdiction. The final decision of the local government
 18 entity may be appealed to the district court of the judicial
 19 district in which the building is located.

20 Section 7. Electrical installation -- inspections. (1)
 21 The local government entity charged with enforcement of the
 22 building code shall make inspections of electrical
 23 installations and issue certificates of inspection for all
 24 such installations.

25 (2) Individuals, firms, cooperatives, corporations, or

1 municipalities selling electricity are power suppliers.
 2 Except for temporary connections not to exceed 10 days,
 3 which may be authorized by the local government entity, no
 4 power supplier shall connect with or energize an electrical
 5 installation unless the owner or a licensed electrical
 6 contractor as defined by 37-68-102 has furnished the power
 7 supplier an inspection certificate covering the installation
 8 issued by the local government entity.

9 (3) It is unlawful for any person, firm, or
 10 corporation other than a power supplier to energize an
 11 electrical installation unless an inspection certificate has
 12 been delivered to the local government entity.

13 Section 8. Fees. (1) The local government entities may
 14 adopt in conjunction with the state building code a
 15 reasonable fee schedule for the issuance of building
 16 permits, site inspections, and the review of plans and
 17 specifications.

18 (2) The department may adopt reasonable fees for the
 19 review of all plans and specifications required under [this
 20 act] and for the issuance of certificates or insignias
 21 approving all factory built buildings and recreational
 22 vehicles.

23 Section 9. Code interpretation. The department is the
 24 final interpreter of the meaning and application of the
 25 state building code. Any person, firm, corporation,

1 partnership, or local government entity may petition the
2 department for a declaratory ruling pursuant to 2-4-501. All
3 declaratory rulings of the department issued pursuant to
4 this section are binding on all local government entities.

5 Section 10. Violations -- misdemeanor. Any person,
6 firm, or corporation that intentionally violates a provision
7 of the state building code or fails to obey a corrective
8 order from the local building department is guilty of a
9 misdemeanor. Each day in which the violation of the code or
10 corrective order remains unremedied constitutes a separate
11 offense.

12 Section 11. Repealer. Sections 50-60-101 through
13 50-60-110, 50-60-201 through 50-60-206, 50-60-301,
14 50-60-302, 50-60-303, 50-60-401, 50-60-402, 50-60-403,
15 50-60-504 through 50-60-514, and 50-60-604 through
16 50-60-607, MCA, are repealed.

17 Section 12. Effective date. This act is effective upon
18 passage and approval, except section 11 which is effective
19 July 1, 1980.

-End-

STATE OF MONTANA

Request No. 125-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 1979, there is hereby submitted a Fiscal Note for Senate Bill 47 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 47 mandates local government to handle code enforcement. It provides that the Department of Administration adopt the code to be used statewide, enforce factory-built buildings and recreational vehicle requirements, review school plans, and provide technical assistance to local government.

ASSUMPTIONS:

Department of Administration

1. All inspections of construction, except for recreational vehicles and factory-built buildings, will be handled by local government.
2. The term "technical assistance program" as used in the bill relates to code interpretation, plan review consultation to local government, and inspection consultation to local government.
3. The factory-built building and recreational vehicle program will remain as is.
4. The Department of Administration will continue to charge for some services rendered; however, the revised program will be General Fund funded with all fees generated reverting back to the General Fund.

Local Government:

- A. The average cost of enforcement will be \$3.00/person served/year.
- B. 50% of the population of Montana is presently covered by local enforcement.
- C. Costs will be static over the biennium.
- D. Program costs will be self supporting through fee collections.

FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Revenue		
Under current law	\$557,290	\$569,140
Under proposed law	<u>96,000</u>	<u>100,000</u>
Decrease in revenue under proposed law	<u>461,290</u>	<u>469,140</u>
Expenditures		
Under current law	557,290	569,140
Under proposed law	<u>171,925</u>	<u>182,241</u>
Decrease in expenditures under proposed law	<u>385,365</u>	<u>386,899</u>
Net additional requirement under proposed legislation	<u>\$ 75,925</u>	<u>\$ 82,241</u>

The additional requirement, using assumption 4 above, must be funded from the State General Fund.

Richard L. Franz
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 1/31/79

Page 2.

LOCAL IMPACT:

Passage of the bill will result in a direct increase of costs to local governments of \$1,214,700 in FY 80 and \$1,214,000 FY 81. Using assumption D, the increased cost will be offset with increased revenues.