HOUSE BILL NO. 542

.

- 1/29 Introduced
- 1/29 Referred to State Administration
- 1/30 fiscal Note Requested
 2/05 Fiscal Note Received
- 2/11 Hearing
- 2/11 Adverse Committee Report 2/13 Bill Killed

LC 0174/01

HOUSE BILL NO. 542 INTRODUCED BY Hamington Molan Kocks 1 2 TREQUEST OF THE LEGISLATIVE POWER PLAN Fuler 3 STUDY COMMITTEE 4

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS 6 RELATING TO STATE BUILDING CONSTRUCTION STANDARDS; REMOVING 7 THE EXEMPTIONS FOR RESIDENTIAL BUILDINGS CONTAINING LESS 8 THAN FIVE DWELLING UNITS AND THEIR ATTACHED STRUCTURES; 9 REQUIRING THE STATE TO COOPERATE WITH FEDERAL AND LOCAL 10 AUTHORITIES TO CONSOLIDATE PERMITTING PROCEDURES, PLAN 11 REVIEWS, AND COMPLIANCE INSPECTIONS; AMENDING SECTIONS 12 50-60-102 AND 50-60-103, MCA; AND PROVIDING AN EFFECTIVE 13 DATE." 14

15

5

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 Section 1. Section 50-60-102, MCA, is amended to read: 17 "50-60-102. Applicability. (1) The state building 18 codes do not apply to residential-buildings-containing-less 19 than-five-dwelling-units-or--their--attached-to--structures; 20 any farm or ranch building--and or any private garage or 21 private storage structure used only for the owner's own use, 22 located within the municipality's or county's jurisdictional 23 area, unless the local legislative body or board of county 24 commissioners by ordinance or resolution makes the state 25

Chiontana Legislative Council

building code applicable to these structures. The state may 1 2 not enforce the state building code under 50-60-205 for the aforementioned buildings. Local governments that have made 3 the state building codes applicable to the aforementioned 4 5 buildings may enforce within their jurisdictional areas the б state building code as adopted by the respective local 7 government. The state may not enforce the state building code under 50-60-205 for those buildings. 8 9 (2) Where good and sufficient cause exists, a written request for limitation of the state building code may be 10 filed with the department for filing as a permanent record. 11 (3) The department may limit the application of any 12 13 rule or portion of the state building code to include or exclude: 14 (a) specified classes or types of buildings according 15 to use or other distinctions as may make differentiation or 16 separate classification or regulation necessary, proper, or 17 desirable; 18 (b) specified areas of the state based upon size. 19 20 population density, special conditions prevailing therein, or other factors which make differentiation or separate 21 22 classification or regulation necessary, proper, or desirable." 23 Section 2. Section 50-60-103, MCA, is amended to read: 24

"50-60-103. Administration

25

-2- INTRODUCED BILL HB 542

department.

The

by

LC 0174/01

1 department shall administer parts 1 through 4 and for that
2 purpose shall:

3 (1) issue orders necessary to effectuate the purposes
4 of parts 1 through 4 and enforce the orders by all
5 appropriate administrative and judicial proceedings;

6 (2) enter, inspect, and examine buildings or premises
7 necessary for the proper performance of its duties under
8 parts 1 through 4;

9 (3) study the operation of the state building code, 10 local building regulations, and other laws related to the 11 construction of buildings to ascertain their effects upon 12 the cost of building construction and the effectiveness of 13 their provisions for health and safety;

14 (4) recommend tests or require the testing and 15 approval of materials, devices, and methods of construction 16 to ascertain their acceptability under the requirements of 17 the state building code and issue certification of such 18 acceptability;

19 (5) appoint experts, consultants, and technical
20 advisers for assistance and recommendations relative to the
21 formulation and adoption of the state building code;

(6) consult and cooperate with appropriate federal
 agencies, including the farmers home administration, federal
 housing authority, and veterans administration; with other
 state and local government agencies; and with lending

LC 0174/01

1	institutions for the purpose of achieving uniformity and
2	consolidation of permitting procedures, plan reviews, and
3	compliance inspections. The department may enter cooperative
4	agreements necessary to achieve such consolidation.
5	<pre>{6}(7) advise, consult, and cooperate with other</pre>
б	agencies of the state, local governments, industries, and
7	interested persons or groups."
8	NEW SECTION. Section 3. Extension of authority. Any
9	existing authority of the department of administration to
10	make rules on the subject of the provisions of this act is
11	extended to the provisions of this act.
12	NEW SECTION. Section 4. Effective date. This act is

13 effective July 1, 1985.

-End-

-4-

-3-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 287-85

Form BD-15

In compliance with a written request received <u>January 31</u>, <u>19</u><u>85</u>, there is hereby submitted a Fiscal Note for <u>H.B. 542</u> pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

House Bill 542 removes the exemptions for residential buildings containing less than five dwelling units and their attached structures from a building permit at the state level. In addition, the bill requires the state to cooperate with federal and local authorities to consolidate permitting procedures, plan reviews, and compliance inspections.

ASSUMPTIONS:

- 1. Assume Department of Administration will annually inspect 2,000 single family dwellings, 200 multi-family dwellings (4 plex and below), and 700 commercial buildings, based on current experience.
- 2. Assume residential projects will require an average of three, .75 hour inspections and commercial projects will require an average of four, 1 hour inspections, based on current experience.
- 3. Assume that inspectors will travel 30,000 miles per year, based on current experience.
- 4. Assume residential plan reviews will take an average of 3 hours and commercial plan reviews an average of 16 hours, based on current experience.

BUDGET DIRECTOR Office of Budget and Program Planning

Feb 5 Date: HR 542

Request No.	FNN287-85
Form BD-15	Page 2

FISCAL IMPACT:

Expenditures:		<u>FY 86</u>			<u>FY 87</u>	
FTE Personal Services Operating Expenses Capital Outlay TOTAL	<u>Current</u> 6 \$184,127 40,030 <u>20,520</u> \$244,677	<u>Impact</u> 18 \$414,156 114,946 <u>80,000</u> \$609,102	<u>New Budget</u> 24 \$598,283 154,976 <u>100,520</u> \$853,779	<u>Current</u> 6 \$184,534 40,257 <u>-0-</u> \$224,791	<u>Impact</u> 18 \$434,864 120,693 -0- \$555,557	<u>New Budg</u> 24 \$619,398 160,950 <u>-0-</u> \$780,348
Revenue:						
		FY 86			<u>FY 87</u>	
	Current	Modified	<u>Total</u>	Current	Modified	Total
Building Permit Fees	\$244,677	\$609,102	\$853,779	\$224,791	\$555,557	\$780,348

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Since county and city governments already have authority to cover single-family dwellings through four plexes, there should be no impact on them.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The expenditure and revenue levels should remain relatively constant with the exception of normal budget growth factor

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

None are anticipated.