

HOUSE BILL 259

Introduced by Spaeth

1/17	Introduced
1/18	Referred to Human Services & Aging
1/20	Hearing
1/24	Tabled in Committee

1 House BILL NO. 259  
2 INTRODUCED BY Spaeth  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT MANDATING THAT THE  
5 STATE BUILDING CODE INCLUDE A REQUIREMENT THAT NEW BUILDINGS  
6 BE CONSTRUCTED IN ACCORDANCE WITH UNIFORM FEDERAL  
7 ACCESSIBILITY STANDARDS; ENCOURAGING MODIFICATION OF  
8 EXISTING PUBLIC BUILDINGS AND CHURCHES TO MAKE THEM  
9 ACCESSIBLE TO AND FUNCTIONAL FOR PHYSICALLY HANDICAPPED  
10 PERSONS; AND AMENDING SECTIONS 50-60-201 AND 50-60-203,  
11 MCA."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

15 "50-60-201. Purpose of state building code. The state  
16 building code shall be designed to effectuate the general  
17 purposes of parts 1 through 4 and the following specific  
18 objectives and standards to:

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

23 (2) permit to the fullest extent feasible the use of  
24 modern technical methods, devices, and improvements which  
25 tend to reduce the cost of construction consistent with

1 reasonable requirements for the health and safety of the  
2 occupants or users of buildings and, consistent with the  
3 conservation of energy, by design requirements and criteria  
4 that will result in the efficient utilization of energy,  
5 whether used directly or in a refined form, in buildings;

6 (3) eliminate restrictive, obsolete, conflicting, and  
7 unnecessary building regulations and requirements which tend  
8 to increase unnecessarily construction costs, retard  
9 unnecessarily the use of proven new materials which have  
10 been found adequate through experience or testing, or  
11 provide unwarranted preferential treatment to types or  
12 classes of materials, products, or methods of construction;

13 (4) ensure that any new buildings constructed with  
14 public funds as well as the restroom facilities of all new  
15 buildings are accessible to and functional for physically  
16 handicapped persons according to the principles applicable  
17 to accessibility to public buildings for handicapped persons  
18 ~~adopted,--recommended,--or--issued-as-Part-II,~~ prescribed by  
19 the Uniform Federal Accessibility Standards, 24 CFR 40 as it  
20 ~~reads in the Federal Register dated August 7, 1984,~~ and as  
21 the department may amend by rule to reflect changes in the  
22 principles;

23 (5) encourage the modification of all existing public  
24 buildings and churches to make them accessible to and  
25 functional for physically handicapped persons, according to

1 the standards referred to in subsection (4):

2 ~~(5)~~(6) encourage efficiencies of design and insulation  
3 which enable buildings to be heated in the winter with the  
4 least possible quantities of energy and to be kept cool in  
5 the summer without air conditioning equipment or with the  
6 least possible use of ~~such~~ the equipment;

7 ~~(6)~~(7) encourage efficiencies and criteria directed  
8 toward design of building envelopes with high thermal  
9 resistance and low air leakage and toward requiring  
10 practices in the design and selection of mechanical,  
11 electrical, and illumination systems which promote the  
12 efficient use of energy."

13 **Section 2.** Section 50-60-203, MCA, is amended to read:

14 "50-60-203. Department to adopt state building code by  
15 rule. (1) The department shall adopt rules relating to the  
16 construction of, the installation of equipment in, and  
17 standards for materials to be used in all buildings or  
18 classes of buildings, including provisions dealing with  
19 safety, sanitation, and conservation of energy. The rules  
20 must mandate that restroom facilities in all new public  
21 buildings, as defined in 37-65-102, and new churches be  
22 constructed in accordance with the Uniform Federal  
23 Accessibility Standards, 24 CFR 40. The department may amend  
24 or repeal ~~such~~ the rules authorized by this section.

25 (2) The department may adopt by reference nationally

1 recognized building codes in whole or in part, but this does  
2 not prevent the department from adopting rules more  
3 stringent than those contained in such codes.

4 (3) The rules, when adopted as provided in parts 1  
5 through 4, constitute the "state building code" and are  
6 acceptable for the buildings to which they are applicable."

7 NEW SECTION. **Section 3. Extension of authority.** Any  
8 existing authority to make rules on the subject of the  
9 provisions of [this act] is extended to the provisions of  
10 [this act].

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