

SENATE BILL NO. 406

INTRODUCED BY J. TREBAS, S. GUNDERSON, S. KERNS, S. GIST, G. NIKOLAKAKOS, K. ZOLNIKOV, S. GALLOWAY, R. MARSHALL, J. SMALL, M. NOLAND, C. FRIEDEL, J. ELLSWORTH, K. BOGNER, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A LOCAL GOVERNMENT FROM ADOPTING BUILDING CODES THAT ARE MORE STRINGENT THAN STATE BUILDING CODES; AND AMENDING SECTION 50-60-301, MCA."

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

Section 1. Section 50-60-301, MCA, is amended to read:

"50-60-301. County, city, and town building codes authorized -- health care facility and public health center doors -- fee adjustment for model plans. (1) The local legislative body of a county, city, or town may adopt a building code to apply to the county, city, or town by an ordinance or resolution, as appropriate:

- (a) adopting a building code; or
(b) authorizing the adoption of a building code by administrative action.

(2) (a) Except as provided in subsection (2)(b), a county, city, or town ~~building code may include only codes~~ may not adopt or enforce a building code that is more stringent than the building code adopted by the department or as required by state law.

(b) A county, city, or town may, as part of its building code or by town ordinance or resolution, adopt voluntary energy conservation standards for new construction for the purpose of providing incentives to encourage voluntary energy conservation. The incentive-based energy conservation standards adopted may exceed any applicable energy conservation standards contained in the state building code. New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive.

(3) Any provision of a building code requiring the installation or maintenance of self-closing or

1 automatic closing corridor doors to patient rooms does not apply to health care facilities, as defined in 50-5-101,
2 or to a public health center, as defined in 7-34-2102.

3 (4) (a) When the same single-family dwelling plan is constructed at more than one site, the county,
4 city, or town shall, after the first examination of the plan, adjust the required plan fee to reflect only the cost of
5 reviewing requirements pertaining to the review of:

6 (i) zoning;

7 (ii) footings, foundations, and basements;

8 (iii) curbs;

9 (iv) gutters;

10 (v) landscaping;

11 (vi) utility connections;

12 (vii) street requirements;

13 (viii) sidewalks; and

14 (ix) other requirements related specifically to the exterior of the building.

15 (b) If a building contractor alters the single-family dwelling plan referred to in subsection (4)(a) in a
16 fashion that substantially affects the building code requirements, the county, city, or town may impose the full
17 examination fee permitted under 50-60-106."

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