

HOUSE BILL 57

Introduced by Gervais

12/31	Introduced
12/31	Referred to Local Government
1/07	First Reading
1/15	Hearing
2/07	Tabled in Committee

1 HOUSE BILL NO. 57

2 INTRODUCED BY GERVAIS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT BUILDINGS ON
5 A RESERVATION FROM STATE, MUNICIPAL, AND COUNTY BUILDING
6 CODES IF THE TRIBAL GOVERNMENT HAS ADOPTED A BUILDING CODE;
7 AND AMENDING SECTIONS 50-60-102 AND 50-60-301, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 50-60-102, MCA, is amended to read:

11 "50-60-102. Applicability. (1) The state building codes
12 do not apply to:

13 (a) residential buildings containing less than five
14 dwelling units or their attached-to structures, any farm or
15 ranch building, and any private garage or private storage
16 structure used only for the owner's own use, located within
17 the municipality's or county's jurisdictional area, unless
18 the local legislative body or board of county commissioners
19 by ordinance or resolution makes the state building code
20 applicable to these structures; or

21 (b) mines and buildings on mine property regulated
22 under Title 82, chapter 4, and subject to inspection under
23 the Federal Mine Safety and Health Act; or

24 (c) buildings on an Indian reservation where the tribal
25 government has adopted a building code.

1 (2) The state may not enforce the state building code
2 under 50-60-205 for the buildings referred to in subsection
3 (1). Local governments that have made the state building
4 codes applicable to the aforementioned buildings may enforce
5 within their jurisdictional areas the state building code as
6 adopted by the respective local government.

7 (3) Where good and sufficient cause exists, a written
8 request for limitation of the state building code may be
9 filed with the department for filing as a permanent record.

10 (4) The department may limit the application of any
11 rule or portion of the state building code to include or
12 exclude:

13 (a) specified classes or types of buildings according
14 to use or other distinctions as may make differentiation or
15 separate classification or regulation necessary, proper, or
16 desirable;

17 (b) specified areas of the state based upon size,
18 population density, special conditions prevailing therein,
19 or other factors which make differentiation or separate
20 classification or regulation necessary, proper, or
21 desirable."

22 Section 2. Section 50-60-301, MCA, is amended to read:

23 "50-60-301. Municipal and county building codes
24 authorized -- applicability -- health care facility doors.

25 (1) The local legislative body of a municipality or county

HB 0057/01

1 may adopt a building code by ordinance to apply to the
2 municipal or county jurisdictional area.

3 (2) A municipal or county building code may include
4 only codes adopted by the department.

5 (3) A municipal or county building code does not apply
6 to buildings on an Indian reservation where the tribal
7 government has adopted a building code.

8 ~~(3)~~(4) Any provision of a building code requiring the
9 installation or maintenance of self-closing or automatic
10 closing corridor doors to patient rooms does not apply to
11 health care facilities as defined in 50-5-101."

-End-