

House Bill 132

In The House

January 9, 1981	Introduced and referred to Committee on Business and Industry.
January 12, 1981	Fiscal note requested.
January 16, 1981	Fiscal note returned.
January 21, 1981	Fiscal note requested.
February 14, 1981	Committee recommend bill do pass as amended.
February 16, 1981	Bill printed and placed on members' desks.
February 17, 1981	Second reading do pass.
February 18, 1981	Correctly engrossed.
February 19, 1981	Third reading passed.

In The Senate

February 20, 1981	Introduced and referred to Committee on Business and Industry.
March 23, 1981	Rereferred to Committee on Local Government.
April 23, 1981	Died in Committee.

HOUSE BILL NO. 132

INTRODUCED BY

Jacobson - Manuel Abram

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE APPLICABILITY OF BUILDING CONSTRUCTION STANDARDS; EXEMPTING CERTAIN STRUCTURES COSTING LESS THAN \$300,000; REQUIRING REFUND OF CERTAIN INSPECTION FEES; PROVIDING FOR APPLICATION OF COMMON-LAW AND STATUTORY RULES OF EVIDENCE IN HEARINGS ON VARIANCES; AMENDING SECTIONS 50-60-101, 50-60-104, AND 50-60-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 50-60-101, MCA, is amended to read:

"50-60-101. Definitions. As used in parts 1 through 4 and part 7 of this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words "or part or parts thereof".

~~The term does not include any structure, the total original cost of which does not exceed \$300,000, used for the following purposes:~~

~~(a) residential;~~

~~(b) garage or private storage; or~~

~~(c) retail business.~~

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards, bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings and installation of equipment in buildings. The term does not include zoning ordinances.

(3) "Construction" means the original construction and equipment of buildings and requirements or standards relating to or affecting materials used, including provisions for safety and sanitary conditions.

(4) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

(5) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

(6) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or

1 the issuance of permits, licenses, certificates, and similar
2 documents prescribed or required by state or local building
3 regulations.

4 (7) "Local legislative body" means the council or
5 commission charged with governing the municipality.

6 (8) "Municipality" means any incorporated city or town
7 and its jurisdictional area as defined by subsection (9) of
8 this section.

9 (9) (a) "Municipal jurisdictional area" means the area
10 within the limits of an incorporated municipality unless the
11 area is extended at the written request of a municipality.

12 (b) Upon request, the council may approve extension of
13 the jurisdictional area to include:

14 (i) all or part of the area within 4 1/2 miles of the
15 corporate limits of a municipality;

16 (ii) all of any platted subdivision which is partially
17 within 4 1/2 miles of the corporate limits of a
18 municipality; and

19 (iii) all of any zoning district adopted pursuant to
20 Title 76, chapter 2, part 1 or 2, which is partially within
21 4 1/2 miles of the corporate limits of a municipality.

22 (c) Distances shall be measured in a straight line in
23 a horizontal plane.

24 (10) "Owner" means the owner or owners of the premises
25 or lesser estate, a mortgagee or vendee in possession,

1 assignee of rents, receiver, executor, trustee, lessee, or
2 other person, firm, or corporation in control of a building.

3 (11) "Public place" means any place which a
4 municipality or state maintains for the use of the public or
5 a place where the public has the right to go and be.

6 (12) "Recreational vehicle" means anything defined as a
7 recreational vehicle in the edition of NFPA No. 501C or ANSI
8 A119.2 most recently adopted by the state in accordance with
9 50-60-401.

10 (13) "State agency" means any state officer,
11 department, board, bureau, commission, or other agency of
12 this state.

13 (14) "State building code" means the state building
14 code provided for in 50-60-203 or any portion of the code of
15 limited application and any of its modifications or
16 amendments."

17 Section 2. Section 50-60-104, MCA, is amended to read:

18 "50-60-104. Inspection fees. The department shall
19 establish a schedule of fees and may collect fees for the
20 inspection of plans and specifications and for the
21 inspection of buildings, factory-built buildings,
22 recreational vehicles, ~~or tramways, or any other facility or~~
23 ~~structure."~~

24 Section 3. Refund of inspection fees. Inspection fees
25 charged by the department of administration since September

1 1, 1979, pertaining to those structures exempted by section
2 1 of this act, shall be refunded to the present owners of
3 such structures.

4 Section 4. Section 50-60-206, MCA, is amended to read:
5 "50-60-206. Variances to state building code. (1) The
6 department has the power, on satisfactory proof after a
7 public hearing, to:

8 (a) vary or modify, in whole or part, the application
9 of any provision or requirement of the state building code
10 if strict compliance would cause any undue hardship; but no
11 variance or modification shall affect adversely provisions
12 for health, safety, and security, and equally safe and
13 proper alternatives may be prescribed therefor;

14 (b) reverse, modify, or annul, in whole or part, any
15 ruling, direction, determination, or order of any state
16 agency affecting or relating to the construction of any
17 building, the construction of which is pursuant or purports
18 to be pursuant to the provisions of the state building code;

19 (c) review within 30 days after disapproval any
20 application for permission for the construction of a
21 building pursuant to the provisions of the state building
22 code or plans or specifications submitted in connection
23 therewith;

24 (d) reverse, modify, or annul the disapproval in whole
25 or part;

1 (e) within 30 days make a determination that the
2 application or plans or specifications are in compliance
3 with the provisions of the state building code. If this
4 determination is made, the officer charged with the duty
5 shall issue any permit, license, certificate, authorization,
6 or other document required for the construction.

7 (2) An application for a variance, modification,
8 reversal, annulment, or review may be made by any person
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16 (4) The department, in hearings conducted under this
17 section, shall not be bound by common-law or statutory rules
18 of evidence."

19 Section 5. Amendment of administrative rules. The
20 department of administration shall immediately proceed to
21 amend and repeal, as necessary, currently existing
22 administrative rules to reflect the provisions of this act.

23 Section 6. Effective date and applicability. This act
24 is effective on passage and approval, and it applies to all
25 structures construction of which commenced on or after

LC 0833/01

1 September 1, 1979.

-End-

STATE OF MONTANA

REQUEST NO. 76-81

FISCAL NOTE

Form BD-15

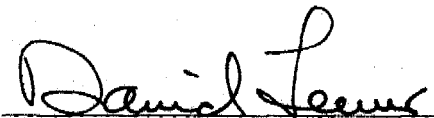
In compliance with a written request received January 13, 1981, there is hereby submitted a Fiscal Note for House Bill 132 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 132 generally revises the applicability of building construction standards by exempting structures costing less than \$300,000 to construct and requiring the Department of Administration to refund certain inspection fees collected since September 1, 1979. Also, the bill provides for application of common-law and statutory rules of evidence in hearings on variances.

<u>Fiscal Impact</u>	<u>FY 1982</u>			<u>FY 1983</u>		
	<u>Amount Under Existing Law</u>	<u>Amount Under Proposed Law</u>	<u>Increase (Decrease)</u>	<u>Amount Under Existing Law</u>	<u>Amount Under Proposed Law</u>	<u>Increase (Decrease)</u>
State Impact:						
Revenue:						
Earmarked (Permit Fees)	1,171,661	993,284	(178,377)	1,221,855	1,050,563	(171,292)
Expenditure:						
Personal Services	815,890	667,844	(148,046)	816,080	679,594	(136,486)
Operating Expenses	352,347	322,512	(29,835)	402,351	368,041	(34,310)
Capital Outlay	3,424	2,928	(496)	3,424	2,928	(496)
Total Expenditure	1,171,661	993,284	(178,377)	1,221,855	1,050,563	(171,292)
Net Effect (Revenue less Costs)	0	0	0	0	0	0



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-16-81

Approved by Committee
on Business and Industry

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2 INTRODUCED BY JACOBSEN, MANUEL, ABRAMS

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6 CERTAIN STRUCTURES COSTING LESS THAN ~~\$300,000~~ \$100,000;
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11 ACT; AMENDING SECTIONS 50-60-101, 50-60-104, AND 50-60-206,
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25 cost of which does not exceed ~~\$300,000~~, \$100,000, UNLESS THE

1 LOCAL LEGISLATIVE BODY OR BOARD OF COUNTY COMMISSIONERS BY
2 ORDINANCE OR RESOLUTION MAKES THE BUILDING CODE APPLICABLE
3 TO THE STRUCTURES used for the following purposes:

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