

HOUSE BILL NO. 202

INTRODUCED BY SIVERTSEN

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

January 14, 1981	Introduced and referred to Committee on State Administration.
January 22, 1981	Committee recommend bill do pass as amended. Report adopted.
January 23, 1981	Bill printed and placed on members' desks.
January 24, 1981	Second reading, do pass. Return to second reading on January 26, 1981.
January 27, 1981	Second reading, do pass as amended.
January 28, 1981	Correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 29, 1981	Introduced and referred to Committee on Local Government.
March 6, 1981	Committee recommend bill be concurred in. Report adopted.
March 9, 1981	Second reading, pass consideration. On motion taken from second reading and rereferred to committee on Local Government. Motion adopted.

March 11, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1981	Second reading, indefinitely postponed.  Segregated.
March 14, 1981	On motion taken from second reading and rereferred to Committee on Local Government. Motion adopted.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, pass consideration.
March 30, 1981	Motion pass consideration.
March 31, 1981	Second reading, concurred in as amended.  On motion rules suspended. Bill placed on calendar for third reading this day and allowed to be transmitted on the 71st legislative day. Motion adopted.  Third reading, concurred in as amended. Ayes, 49; Noes, 1.

IN THE HOUSE

April 1, 1981	Returned from Senate with amendments.
April 8, 1981	Second reading, amendments not concurred in.  On motion Free Conference Committee requested.

April 9, 1981

Free Conference Committee appointed.

April 15, 1981

Free Conference Committee reported and dissolved.

April 17, 1981

Second reading, Free Conference Committee report adopted.

On motion rules suspended and Free Conference Committee report placed on third reading this day.

Third reading, Free Conference Committee report adopted. Ayes, 91; Nays, 2. Transmitted to Senate.

IN THE SENATE

April 20, 1981

Free Conference Committee report adopted.

IN THE HOUSE

April 20, 1981

Returned from Senate. Concurred in. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 202

2 INTRODUCED BY Ameston

3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
6 50-60-101, MCA, RELATING TO THE STATE BUILDING CODE, IN  
7 ORDER TO CLARIFY THE DEFINITION OF PUBLIC PLACE."

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

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

11 "50-60-101. Definitions. As used in parts 1 through 4  
12 and part 7 of this chapter, unless the context requires  
13 otherwise, the following definitions apply:

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

19 (2) "Building regulations" means any law, rule,  
20 resolution, regulation, ordinance, or code, general or  
21 special, or compilation thereof enacted or adopted by the  
22 state or any municipality, including departments, boards,  
23 bureaus, commissions, or other agencies of the state or a  
24 municipality relating to the design, construction,  
25 reconstruction, alteration, conversion, repair, inspection,

1 or use of buildings and installation of equipment in  
2 buildings. The term does not include zoning ordinances.

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

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

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

13 (6) "Local building department" means the agency or  
14 agencies of any municipality charged with the  
15 administration, supervision, or enforcement of building  
16 regulations, approval of plans, inspection of buildings, or  
17 the issuance of permits, licenses, certificates, and similar  
18 documents prescribed or required by state or local building  
19 regulations.

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

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

25 (9) (a) "Municipal jurisdictional area" means the area

1 within the limits of an incorporated municipality unless the  
2 area is extended at the written request of a municipality.

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

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

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

10 (iii) all of any zoning district adopted pursuant to  
11 Title 76, chapter 2, part 1 or 2, which is partially within  
12 4 1/2 miles of the corporate limits of a municipality.

13 (c) Distances shall be measured in a straight line in  
14 a horizontal plane.

15 (10) "Owner" means the owner or owners of the premises  
16 or lesser estate, a mortgagee or vendee in possession,  
17 assignee of rents, receiver, executor, trustee, lessee, or  
18 other person, firm, or corporation in control of a building.

19 (11) "Public place" means any place which a  
20 municipality or state maintains for the use of the public or  
21 a place where the public has the right to go and be,  
22 including but not limited to:

23 ~~(a) places used primarily for a business purpose in~~  
24 ~~which the coming and going of members of the public (whether~~  
25 ~~by open invitation or by appointment only) is an incident to~~

1 ~~the business; and~~

2 ~~(b) places used as apartments and apartment complexes~~  
3 ~~other than single-family houses.~~

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

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

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

-End-

Approved by Committee  
on State Administration

HOUSE BILL NO. 202

INTRODUCED BY SIVERTSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
50-60-101, MCA, RELATING TO THE STATE BUILDING CODE, IN  
ORDER TO CLARIFY THE DEFINITION OF PUBLIC PLACE."

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".

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

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

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

(9) (a) "Municipal jurisdictional area" means the area

1 within the limits of an incorporated municipality unless the  
 2 area is extended at the written request of a municipality.

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

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

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

10 (iii) all of any zoning district adopted pursuant to  
 11 Title 76, chapter 2, part 1 or 2, which is partially within  
 12 4 1/2 miles of the corporate limits of a municipality.

13 (c) Distances shall be measured in a straight line in  
 14 a horizontal plane.

15 (10) "Owner" means the owner or owners of the premises  
 16 or lesser estate, a mortgagee or vendee in possession,  
 17 assignee of rents, receiver, executor, trustee, lessee, or  
 18 other person, firm, or corporation in control of a building.

19 (11) "Public place" means any place which a  
 20 municipality or state maintains for the use of the public or  
 21 a place where the public has the right to go and be,  
 22 including but not limited to:

23 (a) places used primarily for a business purpose in  
 24 which the coming and going of members of the public (whether  
 25 by open invitation or by appointment only) is an incident to

1 the business; and

2 (b) places used as apartments and apartment complexes  
 3 other than single-family houses CONTAINING FIVE OR MORE  
 4 DWELLING UNITS.

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

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

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

-End-

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BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 50-60-101, MCA, RELATING TO THE STATE BUILDING CODE, IN ORDER TO CLARIFY THE DEFINITION OF PUBLIC PLACE."

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

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

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(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".

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

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

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

(9) (a) "Municipal jurisdictional area" means the area



1 within the limits of an incorporated municipality unless the  
 2 area is extended at the written request of a municipality.

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

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 9 municipality; and

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 11 Title 76, chapter 2, part 1 or 2, which is partially within  
 12 4 1/2 miles of the corporate limits of a municipality.

13 (c) Distances shall be measured in a straight line in  
 14 a horizontal plane.

15 (10) "Owner" means the owner or owners of the premises  
 16 or lesser estate, a mortgagee or vendee in possession,  
 17 assignee of rents, receiver, executor, trustee, lessee, or  
 18 other person, firm, or corporation in control of a building.

19 (11) "Public place" means any place which a  
 20 municipality or state maintains for the use of the public or  
 21 a place where the public has the right to go and be,  
 22 including but not limited to:

23 (a) places used primarily for a business purpose in  
 24 which the coming and going of members of the public (whether  
 25 by open invitation or by appointment only) is an incident to

1 the business; and

2 (b) places used as apartments and apartment complexes  
 3 other--than--single-family--houses CONTAINING FIVE OR MORE  
 4 DWELLING UNITS; AND

5 (C) CONDOMINIUMS AND CONDOMINIUM COMPLEXES CONTAINING  
 6 FIVE OR MORE DWELLING UNITS.

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 8 recreational vehicle in the edition of NFPA No. 5010 or ANS'  
 9 A119.2 most recently adopted by the state in accordance with  
 10 50-60-401.

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 12 department, board, bureau, commission, or other agency of  
 13 this state.

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 15 code provided for in 50-60-203 or any portion of the code of  
 16 limited application and any of its modifications or  
 17 amendments."

-End-

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 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTON  
 6 SECTIONS 50-60-101 AND 50-60-102, MCA, RELATING TO THE STATE  
 7 BUILDING CODE, IN ORDER TO GENERALLY REVISE AND CLARIFY THE  
 8 DEFINITION--OF--PUBLIC--PLACE APPLICABILITY OF BUILDING  
 9 CONSTRUCTION STANDARDS; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 10 DATE."

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13 Section 1. Section 50-60-101, MCA, is amended to read:  
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 20 or property. The word "building" shall be construed as  
 21 though followed by the words "or part or parts thereof".

22 (2) "Building regulations" means any law, rule,  
 23 resolution, regulation, ordinance, or code, general or  
 24 special, or compilation thereof enacted or adopted by the  
 25 state or any municipality, including departments, boards,

1 bureaus, commissions, or other agencies of the state or a  
 2 municipality relating to the design, construction,  
 3 reconstruction, alteration, conversion, repair, inspection,  
 4 or use of buildings and installation of equipment in  
 5 buildings. The term does not include zoning ordinances.

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

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

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

16 (6) "Local building department" means the agency or  
 17 agencies of any municipality charged with the  
 18 administration, supervision, or enforcement of building  
 19 regulations, approval of plans, inspection of buildings, or  
 20 the issuance of permits, licenses, certificates, and similar  
 21 documents prescribed or required by state or local building  
 22 regulations.

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

25 (8) "Municipality" means any incorporated city or town

1 and its jurisdictional area as defined by subsection (9) of  
2 this section.

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

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

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

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

13 (iii) all of any zoning district adopted pursuant to  
14 Title 76, chapter 2, part 1 or 2, which is partially within  
15 4 1/2 miles of the corporate limits of a municipality.

16 (c) Distances shall be measured in a straight line in  
17 a horizontal plane.

18 (10) "Owner" means the owner or owners of the premises  
19 or lesser estate, a mortgagee or vendee in possession,  
20 assignee of rents, receiver, executor, trustee, lessee, or  
21 other person, firm, or corporation in control of a building.

22 ~~(11) "Public place" means any place which a~~  
23 ~~municipality or state maintains for the use of the public or~~  
24 ~~a place where the public has the right to go and be~~  
25 ~~including but not limited to~~

1 ~~(a) places used primarily for a business purpose in~~  
2 ~~which the coming and going of members of the public (whether~~  
3 ~~by open invitation or by appointment only) is an incident to~~  
4 ~~the business; and~~

5 ~~(b)(A) places used as apartments and apartment~~  
6 ~~complexes other than single-family houses containing five or~~  
7 ~~more dwelling units; and~~

8 ~~(B) condominiums and condominium complexes~~  
9 ~~containing five or more dwelling units;~~

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

14 (12) "State agency" means any state officer,  
15 department, board, bureau, commission, or other agency of  
16 this state.

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

21 SECTION 2. SECTION 50-60-102, MCA, IS AMENDED TO READ:

22 "50-60-102. Applicability. (1) ~~Outside municipalities~~  
23 ~~and their jurisdictional areas as defined by 50-60-101(9),~~  
24 ~~parts 1 through 4 apply to "public places" as defined in~~  
25 ~~50-60-101(11) unless the municipality or county that would~~

1 ~~have jurisdiction over the buildings has a certified~~  
 2 ~~building code enforcement program under 50-60-301 and~~  
 3 ~~50-60-302, the state building code does not apply to~~  
 4 ~~residential buildings containing less than five dwelling~~  
 5 ~~units or their attached to structures located within the~~  
 6 ~~municipality's or county's jurisdictional area, and the~~  
 7 ~~state may not enforce the state building code under~~  
 8 ~~50-60-205 for those buildings~~ THE STATE BUILDING CODES DO  
 9 NOT APPLY TO RESIDENTIAL BUILDINGS CONTAINING LESS THAN FIVE  
 10 DWELLING UNITS OR THEIR ATTACHED TO STRUCTURES, ANY FARM OR  
 11 RANCH BUILDING, AND ANY PRIVATE GARAGE OR PRIVATE STORAGE  
 12 STRUCTURE USED ONLY FOR THE OWNER'S OWN USE, LOCATED WITHIN  
 13 THE MUNICIPALITY'S OR COUNTY'S JURISDICTIONAL AREA, AND THE  
 14 STATE MAY NOT ENFORCE THE STATE BUILDING CODE UNDER  
 15 50-60-205 FOR THOSE BUILDINGS.

16 (2) Where good and sufficient cause exists, a written  
 17 request for limitation of the state building code may be  
 18 filed with the department for filing as a permanent record.

19 (3) The department may limit the application of any  
 20 rule or portion of the state building code to include or  
 21 exclude:

22 (a) specified classes or types of buildings according  
 23 to use or other distinctions as may make differentiation or  
 24 separate classification or regulation necessary, proper, or  
 25 desirable;

1 (b) specified areas of the state based upon size,  
 2 population density, special conditions prevailing therein,  
 3 or other factors which make differentiation or separate  
 4 classification or regulation necessary, proper, or  
 5 desirable."

6 SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON  
 7 PASSAGE AND APPROVAL.

-End-

1 HOUSE BILL NO. 202  
 2 INTRODUCED BY SIVERTSEN  
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION  
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 6 SECTIONS 50-60-101 AND 50-60-102, MCA, RELATING TO THE STATE  
 7 BUILDING CODE, IN ORDER TO GENERALLY REVISE AND CLARIFY THE  
 8 DEFINITION--OF--PUBLIC--PLACE APPLICABILITY OF BUILDING  
 9 CONSTRUCTION STANDARDS; AND PROVIDING AN IMMEDIATE EFFECTIVE  
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25 state or any municipality, including departments, boards,

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14 Title 76, chapter 2, part 1 or 2, which is partially within  
15 4 1/2 miles of the corporate limits of a municipality.

16 (c) Distances shall be measured in a straight line in  
17 a horizontal plane.

18 (10) "Owner" means the owner or owners of the premises  
19 or lesser estate, a mortgagee or vendee in possession,  
20 assignee of rents, receiver, executor, trustee, lessee, or  
21 other person, firm, or corporation in control of a building.

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23 municipality or state maintains for the use of the public or  
24 a place where the public has the right to go and be  
25 including but not limited to:

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2 ~~which the coming and going of members of the public (whether~~  
3 ~~by open invitation or by appointment only) is an incident to~~  
4 ~~the business; and~~

5 ~~(b)(i) places used as apartments and apartment~~  
6 ~~complexes other than single-family houses containing five or~~  
7 ~~more dwelling units; and~~

8 ~~(c)(8) condominiums and condominium complexes~~  
9 ~~containing five or more dwelling units;~~

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11 as a recreational vehicle in the edition of NFPA No. 501C or  
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15 department, board, bureau, commission, or other agency of  
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19 limited application and any of its modifications or  
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21 ~~SECTION 2. SECTION 50-60-102, MEA, IS AMENDED TO READ:~~  
22 ~~"50-60-102. Applicability--(1) Outside municipalities~~  
23 ~~and their jurisdictional areas as defined by 50-60-101(9),~~  
24 ~~parts 1 through 4 apply to "public places" as defined in~~  
25 ~~50-60-101(1) unless the municipality or county that would~~

~~have jurisdiction over the buildings has a certified building code enforcement program under 50-60-301 and 50-60-302, the state building code does not apply to residential buildings containing less than five dwelling units or their attached-to structures located within the municipality's or county's jurisdictional area, and the state may not enforce the state building code under 50-60-205 for those buildings~~ THE STATE BUILDING CODES DO NOT APPLY TO RESIDENTIAL BUILDINGS CONTAINING LESS THAN FIVE DWELLING UNITS OR THEIR ATTACHED TO STRUCTURES, ANY FARM OR RANCH BUILDING, AND ANY PRIVATE GARAGE OR PRIVATE STORAGE STRUCTURE USED ONLY FOR THE OWNER'S OWN USE, LOCATED WITHIN THE MUNICIPALITY'S OR COUNTY'S JURISDICTIONAL AREA, AND THE STATE MAY NOT ENFORCE THE STATE BUILDING CODE UNDER 50-60-205 FOR THOSE BUILDINGS.

~~{2} Where good and sufficient cause exists, a written request for limitation of the state building code may be filed with the department for filing as a permanent record.~~

~~{3} The department may limit the application of any rule or portion of the state building code to include or exclude:~~

~~(a) specified classes or types of buildings according to use or other distinctions as may make differentiation or separate classification or regulation necessary, property or desirability;~~

(b) specified areas of the state based upon size, population density, special conditions prevailing therein, or other factors which make differentiation or separate classification or regulation necessary, property or desirability.

SECTION 2. SECTION 50-60-102, MCA, IS AMENDED TO READ:

\*50-60-102. Applicability. (1) Outside municipalities and their jurisdictional areas as defined by 50-60-101(9), parts 1 through 4 apply to "public places" as defined in 50-60-101(11). The state building codes do not apply to residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use, located within the municipality's or county's jurisdictional area, unless the local legislative body or board of county commissioners by ordinance or resolution makes the state building code applicable to these structures. The state may not enforce the state building code under 50-60-205 for the aforementioned buildings. Local governments that have made the state building codes applicable to the aforementioned buildings may enforce within their jurisdictional areas the state building code as adopted by the respective local government. The state may not enforce the state building code under 50-60-205 for those buildings.

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

4           (3) The department may limit the application of any  
5 rule or portion of the state building code to include or  
6 exclude:

7           (a) specified classes or types of buildings according  
8 to use or other distinctions as may make differentiation or  
9 separate classification or regulation necessary, proper, or  
10 desirable;

11           (b) specified areas of the state based upon size,  
12 population density, special conditions prevailing therein,  
13 or other factors which make differentiation or separate  
14 classification or regulation necessary, proper, or  
15 desirable."

16           SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON  
17 PASSAGE AND APPROVAL.

-End-



..... April 13, ..... 19 81 .....

FREE CONFERENCE COMMITTEE  
ON HOUSE BILL NO. 202

(Report No. 1, April 13, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 202, met April 13, 1981, and considered:

Senate Local Government Amendments to the third reading bill, dated March 26, 1981, and March 11, 1981, and Senate Committee of the whole amendment to the third reading bill dated March 31, 1981 and recommend as follows:

That the House accede to the Senate Local Government amendments nos. 1 through 5, dated March 26, 1981, and amendment no. 1, dated March 11, 1981;

That the House recede from Committee of the Whole amendment no. 5;

That House Bill No. 202 be further amended as specified in the CLERICAL INSTRUCTIONS;

That the reference copy of House Bill No. 202 read as specified in the CLERICAL INSTRUCTIONS;

And that the Free Conference Committee Report to House Bill No. 202 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 4.

Following: line 17.

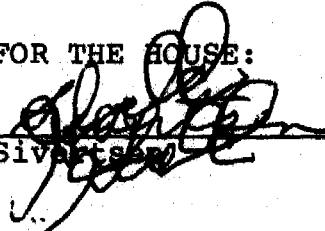
Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) ~~Outside-municipalities and their jurisdictional area, as defined by 50-60-101(9)7 parts 1 through 4 apply to "public places", as defined in 50-60-101(11)~~ The state building codes do not apply to residential buildings containing less than five dwelling units or their attached to structures, any farm or ranch building, and any private garage or private storage structure used only for the owners own use, located within the municipality's or county's jurisdictional area,

Page 2, continued

unless the local legislative body or board of county commissioners by ordinance or resolution makes the state building code applicable to these structures. The state may not enforce the state building code under 50-60-205 for the aforementioned buildings. Local governments that have made the state building codes applicable to the aforementioned buildings may enforce within their jurisdictional areas the state building code as adopted by the respective local government. The state may not enforce the state building code under 50-60-205 for those buildings."  
Subsections (2) and (3) remain without change.

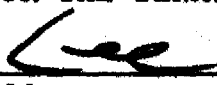
FOR THE HOUSE:

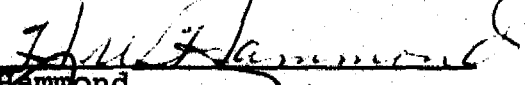
  
Sivertsen

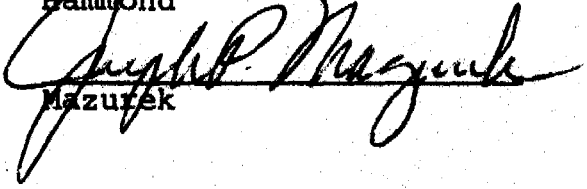
Gould

  
Jacobsen

FOR THE SENATE:

  
Lee

  
Hammond

  
Mazurek



March 11, 1981

SENATE STANDING COMMITTEE REPORT  
(Local Government)

That House Bill No. 202 be amended as follows:

1. Page 3, line 22 through page 4, line 1.  
Following: "including" on line 22.  
Strike: all language through "business;" on line  
1.  
Insert: ":"  
Renumber: subsequent subsections.

March 31, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 202, third reading copy, as follows:

That the following amendment of the Senate Standing Committee on Local Government of March 26, 1981, be amended to read as follows:

5. Page 4.

Following: line 17.

Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) ~~Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply to "public places", as defined in 50-60-101(11)~~ The state building codes do not apply to residential buildings containing less than five dwelling units or their attached to structures, any farm or ranch building, and any private garage or private storage structure used only for the owners own use, located within the municipality's or county's jurisdictional area, and the state may not enforce the state building code under 50-60-205 for those buildings."

Subsections (2) and (3) remain without change.

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Local Government)

That House Bill No 202 be amended as follows:

1. Title, line 5.

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 6.

Following: "50-60-101"

Insert: "AND 50-60-102"

3. Title, line 7.

Following: "TO"

Insert: "GENERALLY REVISE AND"

Following: "THE"

Strike: "DEFINITION OF PUBLIC PLACE"

Insert: "APPLICABILITY OF BUILDING CONSTRUCTION STANDARDS; AND  
PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 3, line 19 through line 6 on page 4.

Strike: line 19 on page 3 through 6 on page 4 in its entirety

Renumber: Subsequent subsections

5. Page 4.

Following: line 17

Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) ~~Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply to "public places", as defined in 50-60-101(11)~~

Unless the municipality or county that would have jurisdiction over the buildings has a certified building code enforcement program under 50-60-301 and 50-60-302, the state building code does not apply to residential buildings containing less than five dwelling units or their attached-to structures located within the municipality's or county's jurisdictional area, and the state may not enforce the state building code under 50-60-205 for those buildings.

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

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

- (a) specified classes or types of buildings according to use or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable;
- (b) specified areas of the state based upon size, population density, special conditions prevailing therein, or other factors which make differentiation or separate classification or regulation necessary, proper, or desirable."

Section 3. Effective date. This act is effective on passage and approval."