# HOUSE BILL NO. 195

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# INTRODUCED BY GARCIA

# BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

January	15,	1985		Introduced and referred to Committee on Business and Labor.
January	21,	1985		Committee recommend bill do pass. Report adopted. Statement of Intent attached.
January	22,	1985		Bill printed and placed on members' desks.
January	25,	1985		Motion pass consideration until 19th Legislative Day.
January	28,	1985		Second reading, do pass.
				Considered correctly engrossed.
January	29,	1985		Third reading, passed. Ayes, 94; Noes, 6. Transmitted to Senate.
			IN THE SI	ENATE
January	30,	1985		Introduced and referred to Committee on Business and Industry.
February	78,	1985		Committee recommend bill be concurred in. Report adopted.
February	, 11,	, 1985		Second reading, concurred in.
February	7 13	, 1985		Third reading, concurred in. Ayes, 50; Noes, 0.
				Returned to House.

February 14, 1985

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Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

LC 0350/01

HOUSE BILL NO. 195 1 2 INTRODUCED BY \_ / LASA 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 4 A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING REFERENCES TO 5 6 "MOBILE HOMES" IN TITLE 50, CHAPTER 60, MCA. WITH "FACTORY-BUILT BUILDINGS"; 7 DEFINING "FACTORY-BUILT я BUILDING": AND AMENDING SECTIONS 50-60-101. 50-60-401. AND 9 50-60-402, MCA." 19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 50-60-101, MCA, is amended to read: 13 "50-60-101. Definitions. As used in parts 1 through 4 14 and part 7 of this chapter, unless the context requires 15 otherwise, the following definitions apply: 16 (1) "Building" means a combination of any materials, 17 whether mobile, portable, or fixed, to form a structure and 18 the related facilities for the use or occupancy by persons or property. The word "building" shall be construed as 19 20 though followed by the words "or part or parts thereof". 21 (2) "Building regulations" means any law, rule, 22 resolution, regulation, ordinance, or code, general or 23 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

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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.

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

9 (4) "Department" means the department of administration provided for in Title 2, chapter 15, part 10. 10 11 (5) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, 12 elevators, dumbwaiters, escalators, and other mechanical 13 14 additions or installations.

(6) "Factory-built building" means a factory-assembled 15 structure or structures equipped with the necessary service 16 connections but not made so as to be readily movable as a 17 unit or units and designed to be used with a permanent 18 foundation. "Factory-built building" does not include 19 manufactured housing constructed after June 15, 1976, under 20 21 the HUD, National Mobile Home Construction and Safety Act of 1974. 22 (6)(7) "Local building department" means the agency or 23 agencies of any municipality charged with 24 the administration, supervision, or enforcement of building 25 INTRODUCED BILL

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#### LC 0350/01

regulations, approval of plans, inspection of buildings, or
 the issuance of permits, licenses, certificates, and similar
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5 (7)(8) "Local legislative body" means the council or
6 commission charged with governing the municipality.

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8 town and its jurisdictional area as defined by subsection
9 (10) of this section.

10 (9)(10) (a) "Municipal jurisdictional area" means the 11 area within the limits of an incorporated municipality 12 unless the area is extended at the written request of a 13 municipality.

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

16 (i) all or part of the area within 4 1/2 miles of the17 corporate limits of a municipality;

18 (ii) all of any platted subdivision which is partially 19 within 4 1/2 miles of the corporate limits of a 20 municipality; and

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

24 (c) Distances shall be measured in a straight line in25 a horizontal plane.

(11) "Owner" means the owner or owners of the
 premises or lesser estate, a mortgagee or vendee in
 possession, assignee of rents, receiver, executor, trustee,
 lessee, or other person, firm, or corporation in control of
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6 (12) "Recreational vehicle" means anything--defined 7 as-a-recreational-vehicle-in-the-edition-of-NPPA-Not-5016-or 8 ANSI-A119-2-most-recently-adopted-by-the-state-in-accordance with--50-60-401 a vehicular type unit primarily designed as 9 10 temporary living guarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or towed by another vehicle, including but not 12 13 limited to a: 14 (a) travel trailer; 15 (b) camping trailer; 16 (c) truck camper; or 17 (d) motor home. 18 +12+(13) "State agency" means any state officer, department, board, bureau, commission, or other agency of 19 this state. 20 (14) "State building code" means the state building 21 code provided for in 50-60-203 or any portion of the code of 22 limited application and any of its modifications or 23

24 amendments."

25 Section 2. Section 50-60-401, MCA, is amended to read:

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"50-60-401. Department to adopt rules for mobile-homes 1 factory-built buildings and recreational vehicles. The 2 3 department shall--make--rules--embodying--the--fundamental principles-adoptedy-recommendedy-or-issued--as--USAS--All9-1 4 5 and--USAS-A119-2-and-amended-from-time-to-time-by-the-United 6 States-of-America-standards-institute-(USASI);-successor--to the--American--standards--association--{ASA}---and--American 7 national-standards-applicable-to-mobile-homes may adopt by 8 reference nationally recognized construction standards, in 9 τ0 whole or in part, but this does not prevent the department from adopting rules more stringent than those contained in 11 12 such standards, for the construction of factory-built buildings and 13 recreational vehicles as defined in 14 50-60-101."

15 Section 3. Section 50-60-402, MCA, is amended to read: 16 "50-60-402. Mobile-homes Factory-built buildings and 17 recreational vehicles to comply with standards. (1) No person, firm, or corporation may manufacture, sell, or offer 18 for sale any new mobile--home factory-built building or 19 recreational vehicle unless such mobile-home factory-built 20 21 building or recreational vehicle, its components, systems, 22 and appliances have been constructed and assembled in accordance with the standards herein defined. 23

(2) Any mobile---home <u>factory-built building</u> or
 recreational vehicle unit which has been approved by the

department shall be deemed to be in full compliance with the
 standards and rules prescribed in parts 1 through 4.

3 (3) All mobile--home <u>factory-built buildings</u> or 4 recreational vehicle units thus approved shall be acceptable 5 as meeting the requirements of parts 1 through 4 throughout 6 the state of Montana without further inspection or fees 7 except for zoning, utility connections, and foundation 8 permits required by local ordinance."

-End-

# STATE OF MONTANA

# FISCAL NOTE

Revised REQUEST NO. FNN 191-85

Form BD-15

In compliance with a written request received <u>January 31</u>, 19<u>85</u>, there is hereby submitted a Fiscal Note for <u>Senate Bill 195</u>, 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.

## AMENDED FISCAL NOTE:\*

Data is not available to determine which employees would be retiring or at what level replacements would be hired. Normally a person nearing retirement would be at a higher step and replacements would be hired at a lower step. However, the savings generated are already taken into account in the Executive Budget's recommendation for a 4% vacancy savings. A substantial portion of vacancy savings is generated by retirements and resignations and replacement being hired at a lower step. The only savings that SB 195 could generate would be if state employees retired at a faster pace than under current law.

To reflect the impact of a person retiring and being replaced by a person at a lower step the following comparisons can be shown. It is important to note that these savings cannot be relied upon because each retirement/replacement will be different. These are broad comparisons.

Step 13	Step 2	<u>Maximum Savings</u>
\$15,680	\$12,115	\$ 3,565
\$16,809	\$13,004	\$ 3,805
\$18,059	\$13,992	\$ 4,067
\$19,430	\$15,073	\$ 4,357
\$20,927	\$16,255	\$ 4,672
\$22,586	\$17,563	\$ 5,023
\$24,393	\$18,987	\$ 5,406
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\*Supplemental information for original fiscal note.

BUDGET DIRECTOR Office of Budget and Program Planning

Date: 158195

#### 49th Legislature

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HB 0195/si

#### APPROVED BY COMM. ON BUSINESS AND LABOR

1	STATEMENT OF INTENT
2	HOUSE BILL 195
3	House Business and Labor Committee
4	

A statement of intent is required for this bill because 5 6 it delegates rulemaking authority to the department of administration to adopt rules providing standards for the 7 8 construction of factory-built buildings. The bill provides that the department may adopt standards more stringent than 9 nationally recognized construction standards. It is the 10 11 intent of the legislature that if the department adopts more 12 stringent standards, the standards should be aimed at 13 addressing Montana's climatic demands and protection of 14 Montana consumers.

> SECOND READING HB 195

Montana Legislative Council

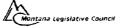
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1	HOUSE BILL NO. 195
2	INTRODUCED BY GARCIA
3	BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
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7	"FACTORY-BUILT BUILDINGS"; DEFINING "FACTORY-BUILT
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 50-60-101, MCA, is amended to read:
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14	and part 7 of this chapter, unless the context requires
15	otherwise, the following definitions apply:
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17 whether mobile, portable, or fixed, to form a structure and 18 the related facilities for the use or occupancy by persons 19 or property. The word "building" shall be construed as 20 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

1	municipality relating to the design, construction,
2	reconstruction, alteration, conversion, repair, inspection,
3	or use of buildings and installation of equipment in
4	buildings. The term does not include zoning ordinances.
5	(3) "Construction" means the original construction and
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9	(4) "Department" means the department of
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11	(5) "Equipment" means plumbing, heating, electrical,
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14	additions or installations.
15	(6) "Factory-built building" means a factory-assembled
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17	connections but not made so as to be readily movable as a
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19	foundation. "Factory-built building" does not include
20	manufactured housing constructed after June 15, 1976, under
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22	<u>1974.</u>
23	<pre>f6f(7) "Local building department" means the agency or</pre>
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25	administration, supervision, or enforcement of building



regulations, approval of plans, inspection of buildings, or
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9 (9) (10) of this section.

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24 (c) Distances shall be measured in a straight line in25 a horizontal plane.

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-End-

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HB 0195/si

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2	HOUSE BILL 195
3	House Business and Labor Committee

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THIRD READING

# HOUSE BILL NO. 195 INTRODUCED BY GARCIA BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

5 A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING REFERENCES TO 6 "MOBILE HOMES" IN TITLE 50, CHAPTER 60, MCA, WITH 7 "FACTORY-BUILT BUILDINGS"; DEFINING "FACTORY-BUILT BUILDING"; AND AMENDING SECTIONS 50-60-101, 50-60-401, AND 8 9 50-60-402, MCA."

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or property. The word "building" shall be construed as
though followed by the words "or part or parts thereof".

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ontana Legislative Council

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8

#### -End-

#### HB 0195/02

HB 0195/si

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2	HOUSE BILL 195
3	House Business and Labor Committee
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REFERENCE BILL HB 195 5

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Montana Legislative Council

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21 (13)(14) "State building code" means the state building
22 code provided for in 50-60-203 or any portion of the code of
23 limited application and any of its modifications or
24 amendments."

25 Section 2. Section 50-60-401, MCA, is amended to read:

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HB 195

## HB 0195/02

HB 195

1 "50-60-401. Department to adopt rules for mobile-homes 2 factory-built buildings and recreational vehicles. The 3 department shall--make--rules--embodying--the--fundamental 4 principles-adopted;-recommended;-or-issued--as--USAS--A119-1 5 and--USAS-A119-2-and-amended-from-time-to-time-by-the-United 6 States-of-America-standards-institute-(USASI);-successor--to 7 the--American--standards--association--(ASA);--and--American 8 national-standards-applicable-to-mobile-homes may adopt by 9 reference nationally recognized construction standards, in whole or in part, but this does not prevent the department 10 11 from adopting rules more stringent than those contained in 12 such standards, for the construction of factory-built 13 buildings and recreational vehicles as defined in 50-60-101." 14

15 Section 3. Section 50-60-402, MCA, is amended to read: 16 "50-60-402. Mobile-homes Factory-built buildings and 17 recreational vehicles to comply with standards. (1) No 18 person, firm, or corporation may manufacture, sell, or offer 19 for sale any new mobile--home factory-built building or 20 recreational vehicle unless such mobile-home factory-built 21 building or recreational vehicle, its components, systems, 22 and appliances have been constructed and assembled in 23 accordance with the standards herein defined.

(2) Any mobile---home <u>factory-built building</u> or
 recreational vehicle unit which has been approved by the

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department shall be deemed to be in full compliance with the
 standards and rules prescribed in parts 1 through 4.

3 (3) All mobile--home <u>factory-built buildings</u> or 4 recreational vehicle units thus approved shall be acceptable 5 as meeting the requirements of parts 1 through 4 throughout 6 the state of Montana without further inspection or fees 7 except for zoning, utility connections, and foundation 8 permits required by local ordinance."

-End-

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