

HB 279 INTRODUCED BY NATHE, ET AL.
EXEMPTING SCHOOL DISTRICT MAINTENANCE FROM BUILDING
CODE PROVISIONS

1/19 INTRODUCED
1/19 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/28 HEARING
2/13 TABLED IN COMMITTEE

1 House BILL NO. 279
2 INTRODUCED BY NATHAN DAVLIN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING SCHOOL
5 DISTRICTS FROM BUILDING CODE PROVISIONS FOR ROUTINE OR
6 REGULAR MAINTENANCE EXCEPT TO PRESERVE STRUCTURAL INTEGRITY
7 AND PUBLIC SAFETY; AND AMENDING SECTIONS 50-60-102 AND
8 50-60-301, MCA."

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

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

12 "50-60-102. Applicability -- exception for school
13 district buildings. (1) The state building codes do not
14 apply to residential buildings containing less than five
15 dwelling units or their attached-to structures, any farm or
16 ranch building, and any private garage or private storage
17 structure used only for the owner's own use, located within
18 the municipality's or county's jurisdictional area, unless
19 the local legislative body or board of county commissioners
20 by ordinance or resolution makes the state building code
21 applicable to these structures. The state may not enforce
22 the state building code under 50-60-205 for the
23 aforementioned buildings. Local governments that have made
24 the state building codes applicable to the aforementioned
25 buildings may enforce within their jurisdictional areas the

1 state building code as adopted by the respective local
2 government. The state may not enforce the state building
3 code under 50-60-205 for those buildings.

4 (2) The state may not enforce the routine or regular
5 maintenance provisions of the state building code for
6 buildings owned or occupied by a school district except to
7 preserve structural integrity of the buildings or to protect
8 and assure the public safety.

9 ~~f2~~(3) Where good and sufficient cause exists, a
10 written request for limitation of the state building code
11 may be filed with the department for filing as a permanent
12 record.

13 ~~f3~~(4) The department may limit the application of any
14 rule or portion of the state building code to include or
15 exclude:

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

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

25 (5) As used in this section, school district means



1 "district" as that term is defined in 20-6-101."

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

3 "50-60-301. Municipal and county building codes
4 authorized -- exception for school district buildings --
5 health care facility doors. (1) The local legislative body
6 of a municipality or county may adopt a building code by
7 ordinance to apply to the municipal or county jurisdictional
8 area, subject to the exception for a school district allowed
9 in 50-60-102.

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

12 (3) Any provision of a building code requiring the
13 installation or maintenance of self-closing or automatic
14 closing corridor doors to patient rooms does not apply to
15 health care facilities as defined in 50-5-101.

16 (4) As used in this section, school district means
17 "district" as that term is defined in 20-6-101."

18 NEW SECTION. Section 3. Extension of authority. Any
19 existing authority of the department of commerce to make
20 rules on the subject of the provisions of this act is
21 extended to the provisions of this act.

-End-