

SENATE BILL NO. 368

INTRODUCED BY STORY

BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

IN THE SENATE

FEBRUARY 18, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

FEBRUARY 20, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 21, 1987                   PRINTING REPORT.

FEBRUARY 23, 1987                   SECOND READING, DO PASS.

FEBRUARY 24, 1987                   ENGROSSING REPORT.

FEBRUARY 25, 1987                   THIRD READING, PASSED.  
AYES, 45; NOES, 5.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

MARCH 11, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 14, 1987                   SECOND READING, CONCURRED IN.

MARCH 16, 1987                   THIRD READING, CONCURRED IN.  
AYES, 71; NOES, 26.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1987                   RECEIVED FROM HOUSE.  
SENT TO ENROLLING.

1 *Senate* BILL NO. 368  
 2 INTRODUCED BY Stacy  
 3 BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MINES AND  
 6 MINE BUILDINGS FROM THE STATE BUILDING CODES; AMENDING  
 7 SECTION 50-60-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 8 DATE."  
 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. (1) The state building  
 13 codes do not apply to:

14 (a) 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; or

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

25 (2) The state may not enforce the state building code

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

8 ~~(2)~~(3) Where good and sufficient cause exists, a  
 9 written request for limitation of the state building code  
 10 may be filed with the department for filing as a permanent  
 11 record.

12 ~~(3)~~(4) The department may limit the application of any  
 13 rule or portion of the state building code to include or  
 14 exclude:

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

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

24 NEW SECTION. Section 2. Effective date. This act is  
 25 effective on passage and approval.

-End-  
 -2-

INTRODUCED BILL  
 SB - 368



APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 *Senate* BILL NO. *368*  
2 INTRODUCED BY *Stony*  
3 BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MINES AND  
6 MINE BUILDINGS FROM THE STATE BUILDING CODES; AMENDING  
7 SECTION 50-60-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
8 DATE."  
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. (1) The state building  
13 codes do not apply to:

14 (a) 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; or

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

25 (2) The state may not enforce the state building code

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

8 ~~(2)~~(3) Where good and sufficient cause exists, a  
9 written request for limitation of the state building code  
10 may be filed with the department for filing as a permanent  
11 record.

12 ~~(3)~~(4) The department may limit the application of any  
13 rule or portion of the state building code to include or  
14 exclude:

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

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

24 NEW SECTION. Section 2. Effective date. This act is  
25 effective on passage and approval.



1 Senate BILL NO. 368  
 2 INTRODUCED BY Stacy  
 3 BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MINES AND  
 6 MINE BUILDINGS FROM THE STATE BUILDING CODES; AMENDING  
 7 SECTION 50-60-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 8 DATE."  
 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. (1) The state building  
 13 codes do not apply to:

14 (a) 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; or

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

25 (2) The state may not enforce the state building code

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

8 (2)(3) Where good and sufficient cause exists, a  
 9 written request for limitation of the state building code  
 10 may be filed with the department for filing as a permanent  
 11 record.

12 (3)(4) The department may limit the application of any  
 13 rule or portion of the state building code to include or  
 14 exclude:

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

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

24 NEW SECTION. Section 2. Effective date. This act is  
 25 effective on passage and approval.

-End-  
 -2-

**THIRD READING**  
**SB-368**



SENATE BILL NO. 368

INTRODUCED BY STORY

BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MINES AND MINE BUILDINGS FROM THE STATE BUILDING CODES; AMENDING SECTION 50-60-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

(a) 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; or

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

(2) 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.

(2)(3) 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)(4) 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."

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-

