58th Legislature

1	SENATE BILL NO. 236
2	INTRODUCED BY F. THOMAS
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO BUILDING CODE
5	JURISDICTION; REVISING THE PROCEDURE TO CREATE A COUNTY JURISDICTIONAL AREA;
6	${\tt ELIMINATINGTHEPROVISIONSFORVOTINGBYRECORDOWNERSOFREALPROPERTY; {\tt ELIMINATING}}$
7	THE WRITTEN PROTESTS AGAINST CREATION OF A DISTRICT; RETROACTIVELY ELIMINATING THE
8	REQUIREMENT FOR A SPECIAL ELECTION ON A MUNICIPAL JURISDICTIONAL AREA CONTINUED
9	BEYOND MUNICIPAL BOUNDARIES; AUTHORIZING A MUNICIPALITY THAT HAD A JURISDICTIONAL
10	AREA BEYOND THE MUNICIPAL BOUNDARY TO CONTINUE TO ENFORCE BUILDING CODE
11	REQUIREMENTS IN THAT EXTENDED AREA UNTIL OCTOBER 1, 2003; AMENDING SECTIONS 13-19-106,
12	50-60-310, AND 50-60-311, MCA; REPEALING SECTIONS 50-60-312, 50-60-313, AND 50-60-314, MCA; AND
13	PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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17	Section 1. Section 13-19-106, MCA, is amended to read:
18	"13-19-106. General requirements for mail ballot election exception for county building code
19	jurisdiction election. A mail ballot election must be conducted substantially as follows:
20	(1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by
21	law, except that mail ballots are not required to have stubs.
22	(2) <del>(a) Except as provided in subsection (2)(b), an</del> <u>An</u> official ballot must be mailed to every qualified
23	elector of the political subdivision conducting the election.
24	(b) In an election to determine whether to adopt a building code enforcement program within a county
25	jurisdictional area, as defined in 50-60-101 and designated by a board of county commissioners pursuant to
26	50-60-310, an official ballot must be mailed to every record owner of real property in the county jurisdictional
27	area.
28	(3) Each return/verification envelope must contain a form prescribed by the secretary of state for the
29	elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct
30	mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

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1 (4) The elector shall mark the ballot at home and place it in a secrecy envelope. 2 The elector shall then place the secrecy envelope containing the elector's ballot in a (5) 3 return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit 4 designated by the election administrator so that it is received before a specified time on election day. 5 (6) Once returned, election officials shall first qualify the submitted ballot by examining the 6 return/verification envelope to determine whether it is submitted by a gualified elector who has not previously 7 voted. 8 (7) If the ballot qualifies and is otherwise valid, officials shall then open the return/verification envelope 9 and remove the secrecy envelope, which is then voted by depositing it unopened in an official ballot box. 10 (8) After the close of polls on election day, voted ballots must be counted and canvassed as otherwise 11 provided by law." 12 13 Section 2. Section 50-60-310, MCA, is amended to read: 14 "50-60-310. Designation of county jurisdictional area for county building code. (1) To designate 15 a county jurisdictional area for a county building code, the board of county commissioners: 16 (a) (1) shall pass a resolution of intent to adopt the county jurisdictional area: 17 (b)(2) shall give notice to the public as provided in 7-1-2121. The notice must state: 18 (i)(a) the time and place of the public hearing; 19 (iii)(b) the boundaries of the proposed county jurisdictional area; and 20 (iii) the procedures and deadlines for filing a written protest; and 21 (iv)(c) that a map and description of the boundaries of the proposed county jurisdictional area and the 22 names and addresses of the owners of real property in the proposed county jurisdictional area are on file for 23 public inspection at the office of the county clerk and recorder. 24 (c)(3) shall hold a public hearing no earlier than 30 days or later than 90 days after passage of the 25 resolution of intent; 26 (d)(4) at the public hearing: 27 (i)(a) shall accept written protests from owners of real property in the proposed county jurisdictional 28 area; and 29 (ii) must receive general protests and comments relating to the designation of the boundaries of the 30 proposed county jurisdictional area; and - 2 -



(e)(b) subject to subsection (2), shall may adopt the county jurisdictional area, effective 60 days after
 passage of the resolution.

3 (2) If a written protest is submitted by owners of real property in the proposed county jurisdictional area
representing more than 10% of the owners of real property in the proposed area, the board of county
commissioners may not adopt the county jurisdictional area for a county building code without submitting to an
election, as provided in 50-60-312, the question of adoption of the code enforcement program as approved by
the department of labor and industry."

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Section 3. Section 50-60-311, MCA, is amended to read:

10 "50-60-311. Approval by department of labor and industry of code enforcement program. After 11 completion of the public hearing required by 50-60-310 and receipt of any written protests within the time period 12 provided by the notice required in that section, the board of county commissioners may submit a proposed code 13 enforcement program for that jurisdictional area to the department of labor and industry for approval. The 14 department shall approve the program if it satisfies the criteria provided in 50-60-302. Upon approval by the 15 department of the proposed code enforcement program, the board of county commissioners shall file with the 16 county clerk and recorder a copy of the approved program and a map showing the county jurisdictional area as 17 designated by the county commission."

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<u>NEW SECTION.</u> Section 4. Transition. A municipality that had a jurisdictional area that extended
 beyond the municipal limits prior to May 1, 2001, may continue to require permits and make inspections in the
 extended area until October 1, 2003.

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23 <u>NEW SECTION.</u> Section 5. Repealer. Sections 50-60-312, 50-60-313, and 50-60-314, MCA, are 24 repealed.

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26 <u>NEW SECTION.</u> Section 6. Effective date. [This act] is effective on passage and approval.

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28 <u>NEW SECTION.</u> Section 7. Retroactive applicability. [Sections 4 and 5] apply retroactively, within
 29 the meaning of 1-2-109, to May 1, 2001.

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- END -



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