

SENATE BILL NO. 236
INTRODUCED BY F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO BUILDING CODE JURISDICTION; REVISING THE PROCEDURE TO CREATE A COUNTY JURISDICTIONAL AREA; ELIMINATING THE PROVISIONS FOR VOTING BY RECORD OWNERS OF REAL PROPERTY; ELIMINATING THE WRITTEN PROTESTS AGAINST CREATION OF A DISTRICT; RETROACTIVELY ELIMINATING THE REQUIREMENT FOR A SPECIAL ELECTION ON A MUNICIPAL JURISDICTIONAL AREA CONTINUED BEYOND MUNICIPAL BOUNDARIES; AUTHORIZING A MUNICIPALITY THAT HAD A JURISDICTIONAL AREA BEYOND THE MUNICIPAL BOUNDARY TO CONTINUE TO ENFORCE BUILDING CODE REQUIREMENTS IN THAT EXTENDED AREA UNTIL OCTOBER 1, 2003; AMENDING SECTIONS 13-19-106, 50-60-310, AND 50-60-311, MCA; REPEALING SECTIONS 50-60-312, 50-60-313, AND 50-60-314, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 13-19-106, MCA, is amended to read:

"13-19-106. General requirements for mail ballot election --exception for county building code jurisdiction election. A mail ballot election must be conducted substantially as follows:

(1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by law, except that mail ballots are not required to have stubs.

(2) ~~(a) Except as provided in subsection (2)(b), an~~ An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

~~(b) In an election to determine whether to adopt a building code enforcement program within a county jurisdictional area, as defined in 50-60-101 and designated by a board of county commissioners pursuant to 50-60-310, an official ballot must be mailed to every record owner of real property in the county jurisdictional area.~~

(3) Each return/verification envelope must contain a form prescribed by the secretary of state for the elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

(4) The elector shall mark the ballot at home and place it in a secrecy envelope.

(5) The elector shall then place the secrecy envelope containing the elector's ballot in a return/verification

envelope and shall return it by mailing it or delivering it in person to a place of deposit designated by the election administrator so that it is received before a specified time on election day.

(6) Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it is submitted by a qualified elector who has not previously voted.

(7) If the ballot qualifies and is otherwise valid, officials shall then open the return/verification envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official ballot box.

(8) After the close of polls on election day, voted ballots must be counted and canvassed as otherwise provided by law."

Section 2. Section 50-60-310, MCA, is amended to read:

"50-60-310. Designation of county jurisdictional area for county building code. ~~(4)~~ To designate a county jurisdictional area for a county building code, the board of county commissioners:

~~(a)~~(1) shall pass a resolution of intent to adopt the county jurisdictional area;

~~(b)~~(2) shall give notice to the public as provided in 7-1-2121. The notice must state:

~~(i)~~(a) the time and place of the public hearing;

~~(ii)~~(b) the boundaries of the proposed county jurisdictional area; and

~~(iii)~~ the procedures and deadlines for filing a written protest; and

~~(iv)~~(c) that a map and description of the boundaries of the proposed county jurisdictional area ~~and the names and addresses of the owners of real property in the proposed county jurisdictional area~~ are on file for public inspection at the office of the county clerk and recorder.

~~(e)~~(3) shall hold a public hearing no earlier than 30 days or later than 90 days after passage of the resolution of intent;

~~(d)~~(4) at the public hearing:

~~(i)~~(a) shall ~~accept written protests from owners of real property in the proposed county jurisdictional area;~~
and

~~(ii)~~ must receive general protests and comments relating to the designation of the boundaries of the proposed county jurisdictional area; and

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

~~(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."~~

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

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

NEW SECTION. **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.

NEW SECTION. **Section 5. Repealer.** Sections 50-60-312, 50-60-313, and 50-60-314, MCA, are repealed.

NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 7. Retroactive applicability.** [Sections 4 and 5] apply retroactively, within the meaning of 1-2-109, to May 1, 2001.

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