

HOUSE BILL NO. 357

INTRODUCED BY R. MANNING, BRAND, KESSLER, McBRIDE,
PAVLOVICH, SIVERTSEN, BERGENE, FEDA

IN THE HOUSE

January 20, 1981	Introduced and referred to Committee on Local Government.
February 9, 1981	Committee recommend bill do pass. Report adopted.
February 10, 1981	Bill printed and placed on members' desks.
February 11, 1981	Second reading, do pass.
February 12, 1981	Considered correctly engrossed.
February 13, 1981	Third reading, passed. Ayes, 92; Noes, 3. Transmitted to Senate.

IN THE SENATE

February 14, 1981	Introduced and referred to Committee on Local Government.
March 21, 1981	Committee recommend bill be concurrent in. Report adopted.
March 24, 1981	Motion pass consideration.
March 25, 1981	Second reading, concurred in.
March 27, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 28, 1981	Returned from Senate. Con- curred in. Sent to enrolling. Reported correctly enrolled.
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HOUSE BILL NO. 357

INTRODUCED BY *Richard E. Manning* *Brand Kerber*
McBride *Farlow* *Swint* *Tom Bragg*

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE STATE
FIRE MARSHAL'S AUTHORITY CONCERNING THE ALTERATION, REPAIR,
OR DEMOLITION OF BUILDINGS DECLARED TO BE A PUBLIC NUISANCE;
AMENDING SECTION 50-62-107, MCA."

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

Section 1. Section 50-62-107, MCA, is amended to read:

"50-62-107. Proceedings on failure to comply with
order. (1) If the owner or other party in interest shall
fail to comply with the order of condemnation of a building
or structure within the time fixed by the court in case a
trial is had therein, then the state fire marshal or any
other officer authorized in 50-62-101 shall ~~may~~ proceed to
cause such building or structure to be altered, repaired, or
demolished in accordance with the directions contained in
such order.

(2) Where a building or structure is demolished in
accordance with such order, the state fire marshal or any
other officer authorized in 50-62-101 may sell or dispose of
the salvaged materials therefrom at public auction upon 5
days' posted notice. This person shall keep an accurate
account of the expenses incurred in carrying out the order

and shall credit thereon the proceeds of such salvage sale,
if any, and shall report his action thereon with a statement
of said expenses or the balance thereof, the expense
incurred by him, and the amount, if any, received from such
salvage sale to the court for approval and allowance. The
court shall examine, correct if necessary, and allow said
expense account, and said amount so allowed shall constitute
a lien against the real estate on which said building or
structure is or was situated. If the amount thereof is not
paid by the owner or other party in interest within 3 months
after the account has been examined and approved by the
court, the real estate upon which said building or structure
is or was situated shall be sold under proper order of court
by the sheriff of the county in which the same is situated
in the manner provided by law for the sale of real estate
upon execution, and the proceeds of said sale shall be paid
into the treasury of the governmental unit which incurred
the expenses. If the amount received as salvage or on sale
shall exceed the expense incurred by the governmental unit,
the court shall direct the payment of the surplus to those
parties with encumbrances, mortgages, or liens on the real
estate in order of their priority and any surplus thereafter
to the owner or the payment of the same into court for their
use and benefit."

-End- INTRODUCED BILL
-2- HB 357

Approved by Comm.
on Local Government

HOUSE BILL NO. 357

INTRODUCED BY

Richard Manning Brand Kevler
McGrade Carlson Sweeten *Ken Payne*

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-End-

SECOND READING

-2-

HB357

HOUSE BILL NO. 357

INTRODUCED BY

Richard Manning Brand Kerler
McBride Carlson Sweetser *Tommy Bergine*

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and shall credit thereon the proceeds of such salvage sale, if any, and shall report his action thereon with a statement of said expenses or the balance thereof, the expense incurred by him, and the amount, if any, received from such salvage sale to the court for approval and allowance. The court shall examine, correct if necessary, and allow said expense account, and said amount so allowed shall constitute a lien against the real estate on which said building or structure is or was situated. If the amount thereof is not paid by the owner or other party in interest within 3 months after the account has been examined and approved by the court, the real estate upon which said building or structure is or was situated shall be sold under proper order of court by the sheriff of the county in which the same is situated in the manner provided by law for the sale of real estate upon execution, and the proceeds of said sale shall be paid into the treasury of the governmental unit which incurred the expenses. If the amount received as salvage or on sale shall exceed the expense incurred by the governmental unit, the court shall direct the payment of the surplus to those parties with encumbrances, mortgages, or liens on the real estate in order of their priority and any surplus thereafter to the owner or the payment of the same into court for their use and benefit."

-End-

-2- THIRD READING

HB 357

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