

SENATE BILL NO. 35

INTRODUCED BY S. BROWN

BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Local Government.
January 10, 1981	Committee recommend bill do pass. Report adopted.
January 12, 1981	Bill printed and placed on members' desks.
January 13, 1981	Second reading, do pass.
January 14, 1981	Considered correctly engrossed.
January 15, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on Local Government.
March 6, 1981	Committee recommend bill be concurred in. Report adopted.
March 9, 1981	Second reading, concurred in.
March 11, 1981	Third reading, concurred in. Ayes, 87; Noes, 7.

IN THE SENATE

March 12, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
 6 SUBDIVISION AND PLATTING ACT TO PROVIDE FOR JOINT HEARINGS
 7 AND COORDINATION OF REQUIREMENTS FOR ANNEXATION WHENEVER
 8 POSSIBLE; AMENDING SECTIONS 76-3-601 AND 76-3-605, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 76-3-601, MCA, is amended to read:

12 "76-3-601. Submission of preliminary plat for review.

13 (1) Except where a plat is eligible for summary approval,
 14 the subdivider shall present to the governing body or the
 15 agent or agency designated thereby the preliminary plat of
 16 the proposed subdivision for local review. The preliminary
 17 plat shall show all pertinent features of the proposed
 18 subdivision and all proposed improvements.

19 (2) (a) When the proposed subdivision lies within the
 20 boundaries of an incorporated city or town, the preliminary
 21 plat shall be submitted to and approved by the city or town
 22 governing body.

23 (b) When the proposed subdivision is situated entirely
 24 in an unincorporated area, the preliminary plat shall be
 25 submitted to and approved by the governing body of the

1 county. However, if the proposed subdivision lies within 1
 2 mile of a third-class city or town or within 2 miles of a
 3 second-class city or within 3 miles of a first-class city,
 4 the county governing body shall submit the preliminary plat
 5 to the city or town governing body or its designated agent
 6 for review and comment.

7 (c) If the proposed subdivision lies partly within an
 8 incorporated city or town, the proposed plat thereof must be
 9 submitted to and approved by both the city or town and the
 10 county governing bodies.

11 ~~(d) When a proposed subdivision is also proposed to be~~
 12 ~~annexed to a municipality, the governing body of the~~
 13 ~~municipality shall coordinate the subdivision review and~~
 14 ~~annexation procedures to minimize duplication of hearings,~~
 15 ~~reports, and other requirements whenever possible.~~

16 (3) This section and 76-3-604, 76-3-605, and 76-3-608
 17 through 76-3-610 do not limit the authority of certain
 18 municipalities to regulate subdivisions beyond their
 19 corporate limits pursuant to 7-3-4444."

20 Section 2. Section 76-3-605, MCA, is amended to read:

21 "76-3-605. Hearing on preliminary plat. (1) The
 22 governing body or its authorized agent or agency shall hold
 23 a public hearing on the preliminary plat and shall consider
 24 all relevant evidence relating to the public health, safety,
 25 and welfare, including the environmental assessment, to

1 determine whether the plat should be approved, conditionally
2 approved, or disapproved by the governing body.

3 ~~(2) When a proposed subdivision is also proposed to be~~
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7 (2)(3) Notice of such hearing shall be given by
8 publication in a newspaper of general circulation in the
9 county not less than 15 days prior to the date of the
10 hearing. The subdivider and each property owner of record
11 immediately adjoining the land included in the plat shall
12 also be notified of the hearing by registered or certified
13 mail not less than 15 days prior to the date of the hearing.

14 (3)(4) When a hearing is held by an agent or agency
15 designated by the governing body, the agent or agency shall
16 act in an advisory capacity and recommend to the governing
17 body the approval, conditional approval, or disapproval of
18 the plat. This recommendation must be submitted to the
19 governing body in writing not later than 10 days after the
20 public hearing.*

-End-

Approved by Comm.
on Local Government

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