

SENATE BILL NO. 399

INTRODUCED BY MANLEY, TURNAGE, ELLIOTT

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Local Government.
February 16, 1981	Committee recommend bill do pass. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 18, 1981	Second reading, do pass.
February 19, 1981	Correctly engrossed.
February 20, 1981	Third reading, passed. Ayes, 45; Noes, 5. Transmitted to House.

IN THE HOUSE

February 21, 1981	Introduced and referred to Committee on Local Government.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in as amended.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on the 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 93; Noes, 5.

IN THE SENATE

April 1, 1981	Returned from House with amendments.
April 10, 1981	Second reading, amendments not concurred in.
April 11, 1981	On motion Free Conference Committee requested and appointed.
April 13, 1981	Free Conference Committee dissolved. On motion new Free Conference Committee requested and appointed.
April 14, 1981	New Free Conference Committee reported.
April 15, 1981	Second reading, pass consideration.
April 16, 1981	Second reading, new Free Conference Committee report adopted.
April 17, 1981	Third reading, new Free Conference Committee report adopted. Ayes, 48; Noes, 1. Transmitted to House.

IN THE HOUSE

April 21, 1981	New Free Conference Committee report adopted.
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IN THE SENATE

April 22, 1981	Returned from House. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *399*
 2 INTRODUCED BY *Marilyn Turriage Elliott*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE VOTER
 5 APPROVAL OF A LAND-USE MASTER PLAN BEFORE IT MAY TAKE
 6 EFFECT; PROVIDING PROCEDURES BY WHICH A MASTER PLAN MUST BE
 7 SUBMITTED TO QUALIFIED ELECTORS; PROVIDING FOR THE AMENDMENT
 8 OR REPEAL OF A MASTER PLAN BY INITIATIVE OR REFERENDUM;
 9 AMENDING SECTION 76-1-604, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 76-1-604, MCA, is amended to read:

13 "76-1-604. Adoption, revision, or rejection of master
 14 plan by ~~local~~ governments. (1) The governing bodies shall
 15 ~~adopt a resolution of intention to~~ adopt, revise, or reject
 16 such proposed plan or any of its parts.

17 ~~(2) If the governing bodies adopt a resolution of~~
 18 ~~intention to adopt the proposed plan or any of its parts,~~
 19 ~~they shall submit to the qualified electors of the~~
 20 ~~jurisdictional area included within the proposed plan at the~~
 21 ~~next primary or general election or at a special election~~
 22 ~~the question of whether or not the plan should be adopted.~~

23 (3) ~~The governing bodies shall publish notice of the~~
 24 ~~availability of the proposed plan for public review and the~~
 25 ~~election on the question of adoption of the proposed plan in~~

1 ~~a newspaper of general circulation in the area to be~~
 2 ~~included within the proposed plan for 3 consecutive weeks~~
 3 ~~prior to the election.~~

4 ~~(4) The governing bodies shall make copies of the~~
 5 ~~proposed plan in its entirety available to the public for~~
 6 ~~review for a period of 60 days prior to the election.~~

7 ~~(5) If a majority of the qualified electors voting on~~
 8 ~~the proposed plan approve it, the plan shall take effect~~
 9 ~~immediately. If a majority of the qualified electors voting~~
 10 ~~on the proposed plan disapprove it, the plan may not be~~
 11 ~~resubmitted to the qualified electors for a period of 1 year~~
 12 ~~from the date of disapproval.~~

13 ~~(6) (a) The governing bodies may revise or repeal a~~
 14 ~~master plan adopted under this section.~~

15 ~~(b) The qualified electors of the jurisdictional area~~
 16 ~~included within the master plan may by initiative or~~
 17 ~~referendum, as provided in 7-5-131 through 7-5-137, revise~~
 18 ~~or repeal a master plan adopted under this section."~~

-End-

Approved by Comm.
on Local Government

1 *House* BILL NO. *399*
2 INTRODUCED BY *Monty Turnage Elliott*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE VOTER
5 APPROVAL OF A LAND-USE MASTER PLAN BEFORE IT MAY TAKE
6 EFFECT; PROVIDING PROCEDURES BY WHICH A MASTER PLAN MUST BE
7 SUBMITTED TO QUALIFIED ELECTORS; PROVIDING FOR THE AMENDMENT
8 OR REPEAL OF A MASTER PLAN BY INITIATIVE OR REFERENDUM;
9 AMENDING SECTION 76-1-604, MCA."

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

12 Section 1. Section 76-1-604, MCA, is amended to read:

13 "76-1-604. Adoption, revision, or rejection of master
14 plan by ~~local~~ governments. (1) The governing bodies shall
15 ~~adopt a resolution of intention to~~ adopt, revise, or reject
16 such proposed plan or any of its parts.

17 ~~(2) If the governing bodies adopt a resolution of~~
18 ~~intention to adopt the proposed plan or any of its parts,~~
19 ~~they shall submit to the qualified electors of the~~
20 ~~jurisdictional area included within the proposed plan at the~~
21 ~~next primary or general election or at a special election~~
22 ~~the question of whether or not the plan should be adopted.~~

23 ~~(3) The governing bodies shall publish notice of the~~
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-End-

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Senate BILL NO. *399*
Marilyn Turvey Elliott

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE VOTER APPROVAL OF A LAND-USE MASTER PLAN BEFORE IT MAY TAKE EFFECT; PROVIDING PROCEDURES BY WHICH A MASTER PLAN MUST BE SUBMITTED TO QUALIFIED ELECTORS; PROVIDING FOR THE AMENDMENT OR REPEAL OF A MASTER PLAN BY INITIATIVE OR REFERENDUM; AMENDING SECTION 76-1-604, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 76-1-604, MCA, is amended to read:
"76-1-604. Adoption, revision, or rejection of master plan by ~~local~~ governments. (1) The governing bodies shall adopt a resolution of intention to adopt, revise, or reject such proposed plan or any of its parts.
(2) If the governing bodies adopt a resolution of intention to adopt the proposed plan or any of its parts, they shall submit to the qualified electors of the jurisdictional area included within the proposed plan at the next primary or general election or at a special election the question of whether or not the plan should be adopted.
(3) The governing bodies shall publish notice of the availability of the proposed plan for public review and the election on the question of adoption of the proposed plan in

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~~a newspaper of general circulation in the area to be included within the proposed plan for 3 consecutive weeks prior to the election.~~
~~(4) The governing bodies shall make copies of the proposed plan in its entirety available to the public for review for a period of 60 days prior to the election.~~
~~(5) If a majority of the qualified electors voting on the proposed plan approve it, the plan shall take effect immediately. If a majority of the qualified electors voting on the proposed plan disapprove it, the plan may not be resubmitted to the qualified electors for a period of 1 year from the date of disapproval.~~
~~(6) (a) The governing bodies may revise or repeal a master plan adopted under this section.
(b) The qualified electors of the jurisdictional area included within the master plan may by initiative or referendum, as provided in 7-5-131 through 7-5-137, revise or repeal a master plan adopted under this section."~~

-End-

SENATE BILL NO. 399

INTRODUCED BY MANLEY, TURNAGE, ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PROVIDE FOR
 VOTER APPROVAL, ~~OF A LAND-USE MASTER PLAN BEFORE IT MAY TAKE~~
~~EFFECT, PROVIDING PROCEDURES BY WHICH A MASTER PLAN MUST BE~~
~~SUBMITTED TO QUALIFIED ELECTORS, PROVIDING FOR THE~~
 AMENDMENT, OR REPEAL OF A MASTER PLAN BY INITIATIVE OR
 REFERENDUM; AMENDING SECTION 76-1-604, MCA."

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

Section 1. Section 76-1-604, MCA, is amended to read:

"76-1-604. Adoption, revision, or rejection of master
 plan by local governments. (1) The governing bodies shall
 adopt a resolution of intention to adopt, revise, or reject
 such proposed plan or any of its parts.

(2) IF THE GOVERNING BODIES ADOPT A RESOLUTION OF
INTENTION TO ADOPT THE PROPOSED PLAN OR ANY OF ITS PARTS,
THEY MAY, IN THEIR DISCRETION, SUBMIT TO THE QUALIFIED
ELECTORS OF THE JURISDICTIONAL AREA INCLUDED WITHIN THE
PROPOSED PLAN AT THE NEXT PRIMARY OR GENERAL ELECTION OR AT
A SPECIAL ELECTION THE REFERENDUM QUESTION OF WHETHER OR NOT
THE PLAN SHOULD BE ADOPTED. THE PROVISIONS OF TITLE 7, PART
1, EXCEPT AS IN THIS ACT OTHERWISE PROVIDED, SHALL APPLY TO
SUCH REFERENDUM ELECTION.

~~(2) if the governing bodies adopt a resolution of~~
~~intention to adopt the proposed plan or any of its parts,~~
~~they shall submit to the qualified electors of the~~
~~jurisdictional area included within the proposed plan at the~~
~~next primary or general election or at a special election~~
~~the question of whether or not the plan should be adopted;~~

~~(3) the governing bodies shall publish notice of the~~
~~availability of the proposed plan for public review and the~~
~~election on the question of adoption of the proposed plan in~~
~~a newspaper of general circulation in the area to be~~
~~included within the proposed plan for 3 consecutive weeks~~
~~prior to the elections;~~

~~(4) The governing bodies shall make copies of the~~
~~proposed plan in its entirety available to the public for~~
~~review for a period of 60 days prior to the elections;~~

~~(5) if a majority of the qualified electors voting on~~
~~the proposed plan approve it, the plan shall take effect~~
~~immediately; if a majority of the qualified electors voting~~
~~on the proposed plan disapprove it, the plan may not be~~
~~resubmitted to the qualified electors for a period of 1 year~~
~~from the date of disapproval;~~

~~(6)-(3)(3) The governing bodies may ADOPT, revise,~~
~~or repeal a master plan adopted under this section.~~

~~(b)(3)(4) The qualified electors of the jurisdictional~~
~~area included within the master plan may by initiative or~~

SB 0399/02

1 referendum, as provided in 7-5-131 through 7-5-137, ADOPT,
2 revise, or repeal a master plan adopted under this section."

-End-

SENATE BILL NO. 399

INTRODUCED BY MANLEY, TURNAGE, ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PROVIDE FOR VOTER APPROVAL, OF A LAND-USE MASTER PLAN BEFORE IT MAY TAKE EFFECT, PROVIDING PROCEDURES BY WHICH A MASTER PLAN MUST BE SUBMITTED TO QUALIFIED ELECTORS, PROVIDING FOR THE AMENDMENT, OR REPEAL OF A MASTER PLAN BY INITIATIVE OR REFERENDUM; AMENDING SECTION 76-1-504, MCA."

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

Section 1. Section 76-1-604, MCA, is amended to read:

"76-1-604. Adoption, revision, or rejection of master plan by local governments. (1) The governing bodies shall adopt a resolution of intention to adopt, revise, or reject such proposed plan or any of its parts.

(2) IF THE GOVERNING BODIES ADOPT A RESOLUTION OF INTENTION TO ADOPT THE PROPOSED PLAN OR ANY OF ITS PARTS, THEY MAY, IN THEIR DISCRETION, SUBMIT TO THE QUALIFIED ELECTORS OF THE JURISDICTIONAL AREA INCLUDED WITHIN THE PROPOSED PLAN AT THE NEXT PRIMARY OR GENERAL ELECTION OR AT A SPECIAL ELECTION THE REFERENDUM QUESTION OF WHETHER OR NOT THE PLAN SHOULD BE ADOPTED. THE PROVISIONS OF TITLE 7, CHAPTER 5, PART 1, EXCEPT AS IN THIS ACT SECTION OTHERWISE PROVIDED, SHALL APPLY TO SUCH REFERENDUM ELECTION.

~~(2) if the governing bodies adopt a resolution of intention to adopt the proposed plan or any of its parts, they shall submit to the qualified electors of the jurisdictional area included within the proposed plan at the next primary or general election or at a special election the question of whether or not the plan should be adopted.~~

~~(3) The governing bodies shall publish notice of the availability of the proposed plan for public review and the election on the question of adoption of the proposed plan in a newspaper of general circulation in the area to be included within the proposed plan for 3 consecutive weeks prior to the election.~~

~~(4) The governing bodies shall make copies of the proposed plan in its entirety available to the public for review for a period of 60 days prior to the election.~~

~~(5) if a majority of the qualified electors voting on the proposed plan approve it, the plan shall take effect immediately; if a majority of the qualified electors voting on the proposed plan disapprove it, the plan may not be resubmitted to the qualified electors for a period of 1 year from the date of disapproval.~~

~~(b) (3) The governing bodies may ADOPT, revise, or repeal a master plan adopted under this section.~~

~~(b) (3) (4) The qualified electors of the jurisdictional area included within the master plan may by initiative or~~

SB 0399/03

1 referendum, as provided in 7-5-131 through 7-5-137. ADOPT,
2 revise, or repeal a master plan adopted under this section."

-End-

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 399

(Report No. 1, April 14, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 399, met April 14, 1981, and considered:

House Local Government Committee Amendments to the third reading bill, dated March 23, 1981, and;

House Committee of the Whole Amendments to the third reading bill, dated March 28, 1981, and recommend as follows:

That the Senate accede to the House Local Government Committee Amendments Nos. 1 through 8;

That the Senate accede to the House Committee of the Whole Amendment No. 1;

That the reference copy of Senate Bill No. 399 be further amended as specified in CLERICAL INSTRUCTIONS Nos. 1 and 2;

That the reference copy of Senate Bill No. 399 read as specified in the CLERICAL INSTRUCTIONS:

And, that the Free Conference Committee Report to Senate Bill No. 399 be adopted.

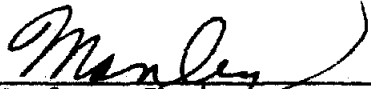
CLERICAL INSTRUCTIONS:

1. Page 1, line 23.
Following: "TITLE 7,"
Insert: "chapter 5,"

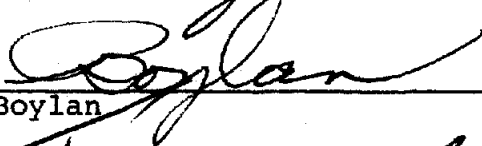
2. Page 1, line 24.
Following: "THIS"
Strike: "ACT"
Insert: "section"

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 399
(Report No. 1, April 14, 1981)

FOR THE SENATE:



Manley, Chairman




Boylan



Turnage


FOR THE HOUSE:



Seifert, Chairman



Hannah



Robbins

House

Local Government Committee

March 23, 1981

Amendments to Senate Bill 399, third reading copy as follows:

1. Title, line 4.

Following: "ACT TO"

Strike: "REQUIRE"

Insert: "PROVIDE FOR"

2. Title, lines 5 through 7.

Following: "APPROVAL"

Insert: ", "

Strike: everything through and including "PROVIDING FOR THE"

3. Page 1, line 17 through 12 of page 2.

Strike: subsections (2) through (5) in their entirety

4. Page 2, line 13.

Following: Line 12

Strike: "(6)(a)"

Insert: "(2)"

Following: "may"

Insert: "adopt,"

5. Page 2, line 14.

Following: "plan"

Strike: "adopted"

6. Page 2, line 17.

Following: "7-5-137,"

Insert: "adopt,"

7. Page 2, line 18.

Following: "plan"

Strike: "adopted"

8. Page 2, line 15.

Following: line 14

Strike: "(b)"

Insert: "(3)"

House amendment to Senate Bill 399:

1. Page 1.

Following: line 16

Insert: "(2) If the governing bodies adopt a resolution of intention to adopt the proposed plan or any of its parts, they may, in their discretion, submit to the qualified electors of the jurisdictional area included within the proposed plan at the next primary or general election or at a special election the referendum question of whether or not the plan should be adopted. The provisions of Title 7, part 1, except as in this act otherwise provided, shall apply to such referendum election."