HOUSE BILL NO. 704

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INTRODUCED BY COHEN, WALKER

IN THE HOUSE

FEBRUARY	14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY	15, 1989	FIRST READING.
FEBRUARY	18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY	20, 1989	PRINTING REPORT.
FEBRUARY	21, 1989	SECOND READING, DO PASS.
		ENGROSSING REPORT.
FEBRUARY	22, 1989	THIRD READING, PASSED. AYES, 94; NOES, 4.
		TRANSMITTED TO SENATE.
	IN	THE SENATE
FEBRUARY	28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
		FIRST READING.
MARCH 22	, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 23	, 1989	SECOND READING, CONCURRED IN.
MARCH 28	, 1989	THIRD READING, CONCURRED IN. AYES, 44; NOES, 6.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 29, 1989

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RECEIVED FROM SENATE. SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0975/01

INTRODUCED BY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN ACTION CHALLENGING THE CREATION OF A COUNTY PLANNING AND 5 ZONING DISTRICT OR OF A COUNTY ZONING DISTRICT MUST BE FILED 6 WITHIN 5 YEARS AFTER THE DATE OF THE ORDER CREATING THE 7 8 DISTRICT; AND PROVIDING THAT LAND IMPROPERLY SHOWN ON COUNTY 9 MAPS OR PLATS AS BEING PART OF THE DISTRICT IS CONCLUSIVELY 10 PRESUMED TO BE PART OF THE DISTRICT IF AN ACTION CHALLENGING 11 ITS INCLUSION IS NOT FILED WITHIN 5 YEARS AFTER THE DATE OF 12 THE ORDER CREATING THE DISTRICT."

13

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

NEW SECTION. Section 1. Limitations on actions challenging creation of a planning and zoning district. (1) An action challenging the creation of a planning and zoning district must be commenced within 5 years after the date of the order by the board of county commissioners creating the district.

(2) A tract or parcel of land that has been shown on
county maps or plats as being within a planning and zoning
district but is later found to have been improperly included
in the district is conclusively presumed to have been
properly included in the district if an action challenging

Montana Legislative Council

its inclusion is not filed with the district court having
 jurisdiction within 5 years after the date of the order
 creating the district.

4 <u>NEW SECTION.</u> Section 2. Limitations on actions 5 challenging creation of a zoning district. (1) An action 6 challenging the creation of a zoning district must be 7 commenced within 5 years after the date of the order by the 8 board of county commissioners creating the district.

(2) A tract or parcel of land that has been shown on Q county maps or plats as being within a zoning district but 10 is later found to have been improperly included in the 11 12 district is conclusively presumed to have been properly 13 included in the district if an action challenging its 14 inclusion is not filed with the district court having jurisdiction within 5 years after the date of the order 15 16 creating the district.

NEW SECTION. Section 3. Codification instruction. (1)
[Section 1] is intended to be codified as an integral part
of Title 76, chapter 2, part 1, and the provisions of Title
76, chapter 2, part 1, apply to [section 1].
(2) [Section 2] is intended to be codified as an
integral part of Title 76, chapter 2, part 2, and the

23 provisions of Title 76, chapter 2, part 2, apply to [section 24 2].

-End-

-2- INTRODUCED BILL HB 704

APPROVED BY COMM. On Local Government

1	HOUSE BILL NO. 704	1
2	INTRODUCED BY COHEN, WALKER	2
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN	4
5	ACTION CHALLENGING THE CREATION OF A COUNTY PLANNING AND	5
6	ZONING DISTRICT OR OF A COUNTY ZONING DISTRICT MUST BE FILED	6
7	BY OCTOBER 1, 1994, OR WITHIN 5 YEARS AFTER THE DATE OF THE	7
8	ORDER CREATING THE DISTRICT; ANDPROVIDINGPHATLAND	8
9	IMPROPERLY-SHOWN-ON-COUNTY-MAPS-OR-PLATS-ASBEINGPARTOF	9
10	THEDISTRIETISCONCLUSIVELYPRESUMEDTO-BE-PART-OP-THE	10
11	DISTRICT-IF-AN-ACTION-CHALLENGING-ITS-INCLUSION-IS-NOT-FILED	11
12	WITHIN-5-YEARS-AFTER-THE-BATEOFTHEORDERCREATINGTHE	12
13	DISTRICT."	13
14		14
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15
16	NEW SECTION. Section 1. Limitations on actions	16
17	challenging creation of a planning and zoning district. $++$	17
18	An action challenging the creation of a planning and zoning	18
19	district must be commenced BY OCTOBER 1, 1994, OR within 5	19
20	years after the date of the order by the board of county	20
21	commissioners creating the district, IF THE DISTRICT WAS	21
22	CREATED AFTER OCTOBER 1, 1989.	22
23	(2)Atractor-parcel-of-land-that-has-been-shown-on	23
24	county-maps-or-plats-as-being-within-a-planningandzoning	24
	arana' maka a kana a	
25	district-but-is-later-found-to-have-been-improperly-included	25

Montana Legislative Council

HB 0704/02

1	inthedistrictisconclusivelypresumedtohave-been
2	properly-included-in-the-district-if-anactionchallenging
3	itsinclusionisnot-filed-with-the-district-court-having
4	jurisdiction-within-5-years-afterthedateoftheorder
5	creating-the-district-
6	NEW SECTION. Section 2. Limitations on actions
7	challenging creation of a zoning district. (1) An action
8	challenging the creation of a zoning district must be
9	commenced BY OCTOBER 1, 1994, OR within 5 years after the
10	date of the order by the board of county commissioners
11	creating the district, IF THE DISTRICT WAS CREATED AFTER

12 OCTOBER 1, 1989.

(2)--A--tract--or-parcel-of-land-that-has-been-shown-on county-maps-or-plats-as-being-within-a-zoning--district--but is--later--found--to--have--been--improperly-included-in-the 5 district-is-conclusively--presumed--to--have--been--properly 6 ~ included--in--the--district--if--an--action--challenging-its inclusion-is--not--filed--with--the--district--court--having 8 jurisdiction--within--5--years--after--the-date-of-the-order q creating-the-district-0 NEW SECTION. Section 3. Codification instruction. (1) 1 [Section 1] is intended to be codified as an integral part 2

- of Title 76, chapter 2, part 1, and the provisions of Title
- 24 76, chapter 2, part 1, apply to [section 1].
- 25 (2) [Section 2] is intended to be codified as an

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HB 704 SECOND READING

- 1 integral part of Title 76, chapter 2, part 2, and the
- 2 provisions of Title 76, chapter 2, part 2, apply to (section
- 3 2].

-End-

HB 704

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HB 0704/02

			HOUSE	BILL NO	. 704			
		INT	RODUCED	BY COHE	N, WALI	KER		
A BILL	FOR AN	АСТ	ENTITLE	D: "AN	ACT	REQUIRI	ING THAT	AN
ACTION	CHALL	ENGINO	; THE	CREATION	OF A	COUNTY	PLANNING	AND

ZONING DISTRICT OR OF A COUNTY ZONING DISTRICT MUST BE FILED 6 BY OCTOBER 1, 1994, OR WITHIN 5 YEARS AFTER THE DATE OF THE 7 ORDER CREATING THE DISTRICT; -- AND--PROVIDING--THAT--LAND 8 IMPROPERLY-SHOWN-ON-COUNTY-MAPS-OR-PLATS-AS--BEING--PART-OP 9 THE--BISTRICT--IS--CONCLUSIVELY--PRESUMED--TO-BE-PART-OF-THE 10 11 DISTRICT-IF-AN-ACTION-CHALLENGING-ITS-INCLUSION-IS-NOT-FILED WITHIN-5-YEARS-APTER-THE-BATE--OP--THE--ORDER--CREATING--THE 12 13 BISTRICT."

14

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

NEW SECTION. Section 1. Limitations actions 16 on challenging creation of a planning and zoning district. (++) 17 18 An action challenging the creation of a planning and zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 19 20 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS 21 CREATED AFTER OCTOBER 1, 1989. 22

23 +2+--A--tract--of-parcel-of-land-that-has-been-shown-on 24 county-maps-or-plats-as-being-within-a-planning--and--zoning 25 district-but-is-later-found-to-have-been-improperly-included

1 in--the--district--is--conclusively--presumed--to--have-been 2 properly-included-in-the-district-if-an-action--challenging its--inclusion--is--not-filed-with-the-district-court-having З jurisdiction-within-5-years-after--the--date--of--the--order 4 creating-the-district+ 5

6 NEW SECTION. Section 2. Limitations actions 0.0 challenging creation of a zoning district. (1) An action 7 8 challenging the creation of a zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the 9 10 date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS CREATED AFTER 11 12 OCTOBER 1, 1989.

13 (2)--A--tract--or-parcel-of-land-that-has-been-shown-on 14 county-maps-or-plats-as-being-within-a-zoning--district--but 15 is--later--found--to--have -been--improperly-included-in-the 16 district-is-conclusively--presumed--to--have--been--properly included--in--the--district--if--an--action--challenging-its 17 18 inclusion-is--not--filed--with--the--district--court--having 19 jurisdiction--within--5--years--after--the-date-of-the-order 20 ereating-the-district.

NEW SECTION. Section 3. Codification instruction. (1) 21 22 [Section 1] is intended to be codified as an integral part 23 of Title 76, chapter 2, part 1, and the provisions of Title 24 76, chapter 2, part 1, apply to [section 1].

25 (2) [Section 2] is intended to be codified as an

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HB 704 THIRD READING

- l integral part of Title 76, chapter 2, part 2, and the
- 2 provisions of Title 76, chapter 2, part 2, apply to [section
- 3 2].

-End-

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HB 704

HOUSE BILL NO. 704 1 INTRODUCED BY COHEN, WALKER 2 з A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN 4 ACTION CHALLENGING THE CREATION OF A COUNTY PLANNING AND 5 ZONING DISTRICT OR OF A COUNTY ZONING DISTRICT MUST BE FILED 6 BY OCTOBER 1, 1994, OR WITHIN 5 YEARS AFTER THE DATE OF THE 7 ORDER CREATING THE DISTRICT; -- AND--PROVIDING--THAT-- LAND 8 9 IMPROPERLY-SHOWN-ON-COUNTY-MAFS-OR-PLATS-AS--BEING--PART--OF THE--B+STR+CT--FS--CONCLUSIVELY--PRESUMED--TO-BE-PART-OF-THE 10 DISTRICT-IP-AN-ACTION-CHALLENGING-ITS-INCLUSION-IS-NOT-FILED 11 WITHIN-5-YEARS-APTER-THE-BATE-OP-THE-ORDER-CREATING-THE 12 BISTRICT." 13 14

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

NEW SECTION. Section 1. Limitations 16 on actions 17 challenging creation of a planning and zoning district. +++ 18 An action challenging the creation of a planning and zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 19 20 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS 21 CREATED AFTER OCTOBER 1, 1989. 22

23 (2)--A--tract--or-parcel-of-land-that-has-been-shown-on
 24 county-maps-or-plats-as-being-within-a-planning--and--zoning
 25 district-but-is-later-found-to-have-been-improperly-included



in-the-district-is-conclusively-presumed-to-have-been
 properly-included-in-the-district-if-an-action--challenging
 its--inclusion--is--not-filed-with-the-district-court-having
 jurisdiction-within-5-years-after--the--date--of--the--order
 creating-the-district-

NEW SECTION. Section 2. Limitations 6 actions OR. 7 challenging creation of a zoning district. +++ An action 8 challenging the creation of a zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the q 10 date of the order by the board of county commissioners 11 creating the district, IF THE DISTRICT WAS CREATED AFTER OCTOBER 1, 1989. 12

(2)--A--tract--or-parcel-of-land-that-has-been-shown-on 13 14 county-maps-or-plats-as-being-within-a-zoning--district--but is--later--found--to--have--been--improperly-included-in-the 15 16 district-is-conclusively--presumed--to--have--been--properly 17 included--in--the--district--if--an--action--challenging-its 18 inclusion-is--not--filed--with--the--district--court--having jurisdiction--within--5--years--after--the-date-of-the-order 19 20 creating-the-district;

<u>NEW SECTION.</u> Section 3. Codification instruction. (1)
(Section 1) is intended to be codified as an integral part
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25 (2) [Section 2] is intended to be codified as an

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HB 704

REFERENCE BILL

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integral part of Title 76, chapter 2, part 2, and the
 provisions of Title 76, chapter 2, part 2, apply to [section
 3 2].

~End-

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HB 704