

Amendment - 2nd Reading/2nd House-tan - Requested by: Mary Ann Dunwell - (S)
Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

HB0614.001.001

HOUSE BILL NO. 614

INTRODUCED BY G. OVERSTREET, F. MANDEVILLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY ZONING LAWS; ALLOWING FOR A
REFERENDUM FOR THE TERMINATION OF A ZONING DISTRICT IF THE COUNTY HAS OPTED INTO
THE MONTANA LAND USE PLANNING ACT OR IF THE ZONING DISTRICT IS TO BE INCLUDED IN
ANOTHER ZONING DISTRICT; AND AMENDING SECTIONS 76-2-118 AND 76-2-229, MCA."

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

Section 1. Section 76-2-118, MCA, is amended to read:

"76-2-118. ~~Referendum to terminate~~ Termination of zoning district. (1)(a) Real property owners
in a zoning district may petition the board of county commissioners to submit a referendum to the registered
electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain
the signatures and addresses of 20% or more of the real property owners in the zoning district. The petition
requesting a referendum for the termination of a zoning district must be delivered to the county clerk and
recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60
days of receipt of the petition. If the petition contains valid signatures of at least 20% of the real property owners
within the zoning district, the county clerk and recorder shall notify the county commissioners.

(2)(b) On receipt of a valid petition described in subsection (1)(a), the county commissioners shall
submit the referendum to the registered electors residing in the district in an election conducted pursuant to
Title 13, chapter 1, part 4 or 5.

(3)(c) If the referendum described in subsection (1)(a) and conducted under subsection (2) (1)(b) is
not successful, the real property owners in the zoning district may not bring forth a subsequent referendum
petition for 3 years from the date that the original referendum was submitted to the registered electors pursuant
to subsection (2) (1)(b).

(2) The board of county commissioners may, after providing notice as required in 76-2-106(1) and

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1 holding a public hearing, pass a resolution to submit a referendum conducted pursuant to subsections (1)(b)
2 and (1)(c) to terminate a zoning district if the county:

3 (a) has decided to comply with the provisions of the Montana Land Use Planning Act under Title
4 76, chapter 25, using the process specified in 76-25-105; or

5 (b) has established a larger zoning district pursuant to Title 76, chapter 2, part 2, that
6 encompasses the land within the zoning district to be terminated."

7
8 **Section 2.** Section 76-2-229, MCA, is amended to read:

9 **"76-2-229. Referendum to terminate Termination of zoning district.** (1)(a) Real property owners
10 in a zoning district may petition the board of county commissioners to submit a referendum to the registered
11 electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain
12 the signatures and addresses of 20% or more of the real property owners in the zoning district. The petition
13 requesting a referendum for the termination of a zoning district must be delivered to the county clerk and
14 recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60
15 days of receipt of the petition. If the petition contains valid signatures of at least 20% of the real property owners
16 within the zoning district, the county clerk and recorder shall notify the county commissioners.

17 ~~(2)(b)~~ On receipt of a valid petition described in subsection (1)(a), the county commissioners shall
18 submit the referendum to the registered electors residing in the district in an election conducted pursuant to
19 Title 13, chapter 1, part 5.

20 (c) If the referendum described in subsection (1)(a) and conducted under subsection (1)(b) is not
21 successful, the real property owners in the zoning district may not bring forth a subsequent referendum petition
22 for 3 years from the date that the original referendum was submitted to the registered electors pursuant to
23 subsection (1)(b).

24 (2) The board of county commissioners may, after providing notice as required in 76-2-205(1) and
25 holding a public hearing, pass a resolution to submit a referendum conducted pursuant to subsections (1)(b)
26 and (1)(c) to terminate a zoning district if the county:

27 (a) has decided to comply with the provisions of the Montana Land Use Planning Act under Title

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- 1 76, chapter 25, using the process specified in 76-25-105; or
- 2 (b) has established a larger zoning district pursuant to this part that encompasses the land within
- 3 the zoning district to be terminated."
- 4 - END -