

## 1 SENATE BILL NO. 130

2 INTRODUCED BY F. MANDEVILLE, M. DUNWELL, G. HERTZ, C. FRIEDEL, D. ZOLNIKOV, J. TREBAS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS AND THE  
 5 GOVERNING BODY OF A MUNICIPALITY TO CONSOLIDATE A PLANNING BOARD OR PLANNING  
 6 BOARDS, A ZONING COMMISSION, OR A BOARD OF ADJUSTMENT."

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

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10 **NEW SECTION. Section 1. Consolidated land use boards -- zoning commission, planning**

11 **board, and board of adjustment.** (1) The ~~board of county commissioners~~ GOVERNING BODY OF A CITY, COUNTY,  
 12 OR CONSOLIDATED CITY-COUNTY may consolidate any combination of a planning board or planning boards as  
 13 authorized in Title 76, chapter 1, a zoning commission as provided in 76-2-220 AND 76-2-307, and a board of  
 14 adjustment as provided in 76-2-221 AND 76-2-321 into a consolidated land use board.

15 (2) The requirements regarding the duties and roles of a planning board as provided in Title 76,  
 16 chapter 1, a zoning commission as provided in Title 76, chapter 2, ~~part~~ PARTS 2 AND 3, and a board of  
 17 adjustment as provided in Title 76, chapter 2, ~~part~~ PARTS 2 AND 3, apply to a consolidated land use board.

18 (3) A consolidated land use board allowed under this section shall adopt bylaws that clearly define  
 19 the roles and duties of a member when acting as a planning board member, a zoning commission member, or a  
 20 board of adjustment member.

21 (4) (a) Except as provided in subsection (4)(b), a consolidated land use board allowed under this  
 22 section must consist of at least five appointed citizen members that reside ~~in the county~~ WITHIN THE  
 23 JURISDICTIONAL AREA OF THE CONSOLIDATED LAND USE BOARD and who may be removed by the appointing  
 24 authority. A vacancy on a consolidated land use board must be filled by the appointing authority.

25 (b) If a consolidated land use board includes the consolidation of a joint or consolidated board as  
 26 allowed in 76-1-112 or a city-county planning board as allowed in 76-1-201, the consolidated land use board  
 27 must consist of at least nine appointed citizen members as required in 76-1-201.

28 (5) The requirements provided in Title 76, chapter 1, and in Title 76, chapter 2, ~~part~~ PARTS 2 AND 3,

1 regarding the number, qualification, and removal of members on a planning board, zoning commission, or  
2 board of adjustment do not apply to a consolidated land use board allowed under this section.

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

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