

1 HOUSE BILL NO. 496
2 INTRODUCED BY B. MERCER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY ZONING LAWS; REMOVING A LOCAL
5 BOARD OF ADJUSTMENTS PROHIBITION TO DENY A PUBLIC LAND USE THAT IS CONTRARY TO
6 ZONING REGULATIONS; AND AMENDING SECTION 76-2-402, MCA."

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

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10 **Section 1.** Section 76-2-402, MCA, is amended to read:

11 **"76-2-402. Local zoning regulations -- application to agencies.** (1) Whenever an agency proposes
12 to use public land contrary to local zoning regulations, a public hearing, ~~as defined below,~~ shall must be held.

13 (4)(2) The local board of adjustments, as provided in this chapter, shall hold a hearing within 30 days
14 of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.

15 (2) ~~The board shall have no power to deny the proposed use but shall act only to allow a public forum~~
16 ~~for comment on the proposed use."~~

17 - END -