

HOUSE BILL NO. 382

INTRODUCED BY J. WHITAKER, BERRY, BITNEY, CHRISTIAENS, FORRESTER, MAHLUM, MCNUTT,
MILLER, SLITER

A BILL FOR AN ACT ENTITLED: "~~AN ACT PROHIBITING SELF-GOVERNING LOCAL GOVERNMENT UNITS FROM IMPOSING CONDITIONS ON LANDLORDS THAT ARE BEYOND WHAT IS ALREADY PROVIDED FOR IN STATE LAW~~ EXERCISING CERTAIN POWERS RELATED TO LANDLORDS AND TENANTS; AND AMENDING SECTION 7-1-111, MCA."

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

Section 1. Section 7-1-111, MCA, is amended to read:

"7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of 7-33-4128 or Title 39 (labor, collective bargaining for public employees, unemployment compensation, or workers' compensation), except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of public convenience and necessity;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of environmental compatibility and public need;

(8) any power that defines as an offense conduct made criminal by state statute, that defines an



1 offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500,
2 6 months' imprisonment, or both, except as specifically authorized by statute;

3 (9) any power that applies to or affects the right to keep or bear arms, except that a local
4 government has the power to regulate the carrying of concealed weapons;

5 (10) any power that applies to or affects a public employee's pension or retirement rights as
6 established by state law, except that a local government may establish additional pension or retirement
7 systems;

8 (11) any power that applies to or affects the standards of professional or occupational competence
9 established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a
10 profession or occupation;

11 (12) any power that applies to or affects Title 75, chapter 7, part 1 (streambeds), or Title 87 (fish
12 and wildlife); and

13 ~~(13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is~~
14 ~~intended to license landlords or to regulate their activities beyond what is~~ CONTROLS OR REGULATES RENT FOR
15 ~~A DWELLING UNIT OR ALTERS THE RIGHTS, REMEDIES, OR DUTIES BETWEEN A LANDLORD AND A TENANT AS APPLIES TO OR~~
16 ~~AFFECTS LANDLORDS, AS DEFINED IN 70-24-103, WHEN THAT POWER IS INTENDED TO LICENSE LANDLORDS OR TO~~
17 ~~REGULATE THEIR ACTIVITIES WITH REGARD TO TENANTS BEYOND WHAT IS~~ provided in Title 70, chapters 24 and 25.
18 ~~THIS SUBSECTION IS NOT INTENDED TO RESTRICT A LOCAL GOVERNMENT'S ABILITY TO REQUIRE LANDLORDS TO COMPLY~~
19 ~~WITH ORDINANCES OR PROVISIONS THAT ARE APPLICABLE TO ALL OTHER BUSINESSES OR RESIDENCES WITHIN THE LOCAL~~
20 ~~GOVERNMENT'S JURISDICTION."~~

21
22 ~~NEW SECTION. Section 2. Local government prohibited from enacting additional restrictions.~~
23 Pursuant to 7-1-111(13), a local government unit with self-government powers may not enact or impose
24 conditions or restrictions not contained in chapter 25 or this chapter.

25
26 ~~NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an~~
27 ~~integral part of Title 70, chapter 24, part 1, and the provisions of Title 70, chapter 24, part 1, apply to~~
28 ~~[section 1].~~

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