

SENATE BILL NO. 396

INTRODUCED BY G. PERRY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING, WITHOUT SPECIFIC DELEGATION, A LOCAL GOVERNMENT WITH SELF-GOVERNMENT POWERS FROM IMPOSING A FEE OR REQUIRING PROPERTY DEDICATION AS A CONDITION OF APPROVAL FOR SUBDIVISIONS, SITE PLANS, ANNEXATION, BUILDING PERMITS, OR OTHER LAND USES THAT ARE SUBJECT TO APPROVAL; AMENDING SECTION 7-1-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 7-1-112, MCA, is amended to read:

**"7-1-112. Powers requiring delegation.** A local government with self-government powers is prohibited the exercise of the following powers unless the power is specifically delegated by law:

(1) the power to authorize a tax on income or the sale of goods or services, except that, subject to 15-10-420, this section may not be construed to limit the authority of a local government to levy any other tax or establish the rate of any other tax;

(2) the power to regulate private activity beyond its geographic limits;

(3) the power to impose a duty on another unit of local government, except that nothing in this limitation affects the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation;

(4) the power to exercise any judicial function, except as an incident to the exercise of an independent self-government administrative power;

(5) the power to regulate any form of gambling, lotteries, or gift enterprises;

(6) the power to impose or exact a monetary fee or property dedication as a condition of the approval of any subdivision, site plan, annexation, building permit, or other land use that is subject to approval by the local government."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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