

HOUSE BILL NO. 326

INTRODUCED BY K. FLYNN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY TO ESTABLISH COORDINATING COUNTY STATUS WITH STATE AGENCIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING A PROCESS FOR ESTABLISHING THE STATUS; REQUIRING AN AGENCY IDENTIFIED BY THE COUNTY TO COORDINATE, HOLD PUBLIC MEETINGS, AND CONSULT WITH COUNTY OFFICIALS PRIOR TO IMPLEMENTING CERTAIN POLICIES OR REGULATIONS; PROVIDING AN EXCEPTION FOR EMERGENCIES; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Coordinating county status -- declaration by county -- definitions. (1)

Upon providing notice and a public hearing and in order to promote the health, safety, and welfare and protect the livelihood and property of Montana citizens, a board of county commissioners may enact a resolution declaring coordinating county status with the state agencies that implement policies or regulations that increase restrictions or control over land or natural resources within the county's jurisdictional boundary.

(2) Upon enactment of the resolution, the board shall notify the state agencies of the declaration and include a copy of the resolution with the notification.

(3) The resolution must contain but is not limited to:

(a) identification of the county officials with whom the agencies must coordinate and consult pursuant to [section 2]; and

(b) a list of established county natural resource or land management plans, regulations, guidelines, and policies.

(4) For the purposes of [section 2] and this section, the following definitions apply:

(a) "Agency" means a department, division, bureau, office, board, commission, authority, or other entity of the executive branch of state government.

(b) "Coordinate" means to work together in a process in which equal governmental parties consider the interests of each party and attempt to reconcile any differences prior to the implementation of a regulation or policy.

1 (c) "Emergency" has the meaning provided in 10-3-103.

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3 **NEW SECTION. Section 2. Coordinating county status -- state agency duties.** (1) Upon receipt of
4 notice and a resolution from a county that the county has declared coordinating county status with state agencies,
5 each agency shall coordinate with the county as provided in this section.

6 (2) (a) Except as provided in subsection (5), before implementing a policy or regulation as described in
7 [section 1(1)], an agency shall notify the county of its intent to implement the policy or regulation and state the
8 reason for the proposed action.

9 (b) Upon receipt of notification under subsection (2)(a), the board of county commissioners shall
10 determine whether or not it intends to coordinate with the agency on the proposed action.

11 (3) If the county determines that it intends to coordinate on the proposed action, the state agency shall:

12 (a) seek assistance and comment from elected and appointed county officials regarding how the
13 proposed policy or regulation may affect the county's economy, culture, stability, tax base, and resources and
14 the safety of the county's citizens;

15 (b) before initiating a public comment period, conduct at least one public meeting in the county at which
16 the agency shall describe the policy or regulation that the agency plans to implement and the reasons for the
17 proposed action;

18 (c) seek comment from the public on the proposed policy or regulation;

19 (d) consider any established county natural resource or land management plans, regulations, guidelines,
20 or policies that may be in conflict with the agency's proposed policy or regulation;

21 (e) assist in resolving, to the extent practical, inconsistencies between the county's plans, policies,
22 regulations, or guidelines and the agency's proposed policy or regulation, as long as the resolution of the
23 inconsistency does not interfere with the purpose, policies, programs, or requirements imposed on the agency
24 by federal or state law; and

25 (f) if an inconsistency is identified that cannot be resolved, provide to the county a written statement that
26 establishes the rational basis for the state agency's implementation of the proposed policy or regulation.

27 (4) Upon compliance with the provisions of subsection (1), the agency may proceed with implementing
28 the policy or regulation within the county's jurisdictional boundaries.

29 (5) The provisions of this section do not apply to an agency that is implementing a policy or regulation
30 in response to an emergency situation affecting the public health, welfare, or safety. Once the emergency has

1 passed, an agency shall comply with the provisions of this section to continue a policy or regulation implemented
2 under this subsection.

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4 NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified
5 as an integral part of Title 7, chapter 1, and the provisions of Title 7, chapter 1, apply to [sections 1 and 2].

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7 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2013.

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