

HOUSE BILL NO. 914

INTRODUCED BY K. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS;
REQUIRING A LOCAL GOVERNMENT TO INTERPRET A GROWTH POLICY BY ITS PLAIN LANGUAGE;
REQUIRING A LOCAL GOVERNMENT TO ALLOW CERTAIN RESIDENTIAL USES ON LAND ANNEXED
INTO A MUNICIPALITY; PROHIBITING CERTAIN CONFLICTS OF INTEREST RELATED TO COUNTY AND
MUNICIPAL CONTRACTS; PROVIDING AN APPROPRIATION APPROPRIATIONS; AMENDING SECTION
76-1-605, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 76-1-605, MCA, is amended to read:

"76-1-605. Use of adopted growth policy. (1) Subject to subsection (2), after adoption of a growth policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by and give consideration to the general policy and pattern of development set out in the growth policy in the:

- (a) authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;
- (b) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and
- (c) adoption of zoning ordinances or resolutions.

(2) (a) A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.

(b) A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.

(c) A governing body shall interpret the growth policy according to the growth policy's plain language."

1 NEW SECTION. Section 2. Local ordinances and annexed land. ~~A city or town council or other~~
2 ~~legislative body may not adopt~~ IF AN EXISTING RESIDENTIAL USE WAS ALLOWED ON A LOT OR PARCEL PRIOR TO
3 ANNEXATION, a zoning ordinance or resolution or a nuisance ordinance that prohibits a residential use on a lot or
4 parcel to be annexed into a municipality if the residential use was allowed on the lot or parcel prior to
5 annexation APPLYING TO THE LOT OR PARCEL MUST ALLOW THE RESIDENTIAL USE AS A LEGAL NONCONFORMING USE.
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7 NEW SECTION. SECTION 3. COUNTY CONTRACTS -- CONFLICT OF INTEREST. A COUNTY GOVERNING BODY
8 MAY NOT AWARD, EXCEPT FOR AN ALTERNATIVE PROJECT DELIVERY CONTRACT UNDER 18-2-501, A CONTRACT TO AN
9 ENTITY THAT HAS AN OWNERSHIP OR FINANCIAL RELATIONSHIP, DIRECTLY OR INDIRECTLY, WITH A PERSON, EMPLOYEE,
10 CONTRACTOR, SUBCONTRACTOR, OR ENTITY THAT HAS PARTICIPATED IN THE DESIGN OR ENGINEERING OF THE PROJECT
11 AS A CONSULTANT OR OTHERWISE, OR THAT HAS OVERSIGHT OR MANAGEMENT OF THE CONTRACTED PROJECT.
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13 NEW SECTION. SECTION 4. MUNICIPAL CONTRACTS -- CONFLICT OF INTEREST. A CITY OR TOWN COUNCIL
14 OR OTHER LEGISLATIVE BODY MAY NOT AWARD, EXCEPT FOR AN ALTERNATIVE PROJECT DELIVERY CONTRACT UNDER 18-
15 2-501, A CONTRACT TO AN ENTITY THAT HAS AN OWNERSHIP OR FINANCIAL RELATIONSHIP, DIRECTLY OR INDIRECTLY,
16 WITH A PERSON, EMPLOYEE, CONTRACTOR, SUBCONTRACTOR, OR ENTITY THAT HAS PARTICIPATED IN THE DESIGN OR
17 ENGINEERING OF THE PROJECT AS A CONSULTANT OR OTHERWISE, OR THAT HAS OVERSIGHT OR MANAGEMENT OF THE
18 CONTRACTED PROJECT.
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20 NEW SECTION. Section 5. Appropriation. (1) There is appropriated \$500 from the general fund to
21 the department of commerce for the fiscal year beginning July 1, 2023, to notify local governments of the
22 statutory revisions implemented in [this act].

23 (2) THERE IS APPROPRIATED \$49,900 FROM THE GENERAL FUND TO THE DEPARTMENT OF
24 ADMINISTRATION IN EACH YEAR OF THE BIENNIUM BEGINNING JULY 1, 2023, TO PERFORM A FEASIBILITY STUDY FOR A
25 FIRE STATION IN THE MOST POPULOUS MUNICIPALITY IN LEWIS AND CLARK COUNTY.
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27 NEW SECTION. Section 6. Codification instruction. (1) [Section 2] is intended to be codified as an
28 integral part of Title 76, chapter 2, part 3, and the provisions of Title 76, chapter 2, part 3, apply to [section 2].

1 (2) [SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 7, CHAPTER 5, PART 23, AND
2 THE PROVISIONS OF TITLE 7, CHAPTER 5, PART 23, APPLY TO [SECTION 3].

3 (3) [SECTION 4] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 7, CHAPTER 5, PART 43, AND
4 THE PROVISIONS OF TITLE 7, CHAPTER 5, PART 43, APPLY TO [SECTION 4].

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6 NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2023.

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