

Amendment - 1st Reading/2nd House-blue - Requested by: Steve Fitzpatrick - (S) Business, Labor, and Economic Affairs

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0914.002.006

1 HOUSE BILL NO. 914
2 INTRODUCED BY K. ZOLNIKOV
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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS;
5 REQUIRING A LOCAL GOVERNMENT TO INTERPRET A GROWTH POLICY BY ITS PLAIN LANGUAGE;
6 REQUIRING A LOCAL GOVERNMENT TO ALLOW CERTAIN RESIDENTIAL USES ON LAND ANNEXED
7 INTO A MUNICIPALITY; PROHIBITING CERTAIN CONFLICTS OF INTEREST RELATED TO COUNTY AND
8 MUNICIPAL CONTRACTS; PROVIDING AN APPROPRIATION; AMENDING SECTION 76-1-605, MCA; AND
9 PROVIDING AN EFFECTIVE DATE."

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

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

14 **"76-1-605. Use of adopted growth policy.** (1) Subject to subsection (2), after adoption of a growth
15 policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by
16 and give consideration to the general policy and pattern of development set out in the growth policy in the:

17 (a) authorization, construction, alteration, or abandonment of public ways, public places, public
18 structures, or public utilities;

19 (b) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or
20 utilities; and

21 (c) adoption of zoning ordinances or resolutions.

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

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

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

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NEW SECTION. Section 2. Local ordinances and annexed land. ~~A city or town council or other legislative body may not adopt~~ IF AN EXISTING RESIDENTIAL USE WAS ALLOWED ON A LOT OR PARCEL PRIOR TO ANNEXATION, a zoning ordinance or resolution or a nuisance ordinance ~~that prohibits a residential use on a lot or parcel to be annexed into a municipality if the residential use was allowed on the lot or parcel prior to annexation~~ APPLYING TO THE LOT OR PARCEL MUST ALLOW THE RESIDENTIAL USE AS A LEGAL NONCONFORMING USE.

NEW SECTION. Section 3. County contracts -- conflict of interest. A county governing body may not award, except for an alternative project delivery contract under 18-2-501, a contract to an entity that has an ownership or financial relationship, directly or indirectly, with a person, employee, contractor, subcontractor, or entity that has participated in the design or engineering of the project as a consultant or otherwise, or that has oversight or management of the contracted project.

NEW SECTION. Section 4. Municipal contracts -- conflict of interest. A city or town council or other legislative body may not award, except for an alternative project delivery contract under 18-2-501, a contract to an entity that has an ownership or financial relationship, directly or indirectly, with a person, employee, contractor, subcontractor, or entity that has participated in the design or engineering of the project as a consultant or otherwise, or that has oversight or management of the contracted project.

NEW SECTION. Section 5. Appropriation. There is appropriated \$500 from the general fund to the department of commerce for the fiscal year beginning July 1, 2023, to notify local governments of the statutory revisions implemented in [this act].

NEW SECTION. Section 6. Codification instruction. (1) [Section 2] is intended to be codified as an integral part of Title 76, chapter 2, part 3, and the provisions of Title 76, chapter 2, part 3, apply to [section 2].

(2) [Section 3] is intended to be codified as an integral part of Title 7, chapter 5, part 23, and the provisions of Title 7, chapter 5, part 23, apply to [section 3].

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1 (3) [Section 4] is intended to be codified as an integral part of Title 7, chapter 5, part 43, and the
2 provisions of Title 7, chapter 5, part 43, apply to [section 4].

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

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- END -

AMENDED