INTRODUCED BY K. ZOLNIKOV

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; 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."
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. (1) 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].

(2) There is appropriated $49,900 from the general fund to the department of administration in each year of the biennium beginning July 1, 2023, to perform a feasibility study for a fire station in the most populous municipality in Lewis and Clark County.

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].

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

THE PROVISIONS OF TITLE 7, CHAPTER 5, PART 43, APPLY TO [SECTION 4].

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

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