

# SUMMARY OF LOCAL GOVERNMENT LEGISLATION

LOCAL GOVERNMENT INTERIM COMMITTEE  
TONI HENNEMAN - JULY 12, 2023

## 2023 LEGISLATIVE SESSION

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The 2023 Legislature acted on several bills involving local government related issues and topics. This summary provides an overview of major legislation, excluding the budget provisions of House Bill 2, in the following areas:

Budgeting & Accounting	Special Districts
County & Municipal Officers	State Funding of Local Projects
Elections	Taxes, Fees, & Finance
Land Use & Planning	Miscellaneous
Local Government Powers	Vetoed Legislation
Public Safety & Courts	

Except for vetoed legislation, this summary only includes legislation approved by the Legislature that has become law.

### BUDGET & ACCOUNTING

- [HB 262](#) – Revise local government financial reporting and audit requirements to allow an alternative reporting form for entities with a population less than 10,000 and remove the requirement to withhold state financial aid for failure to remit audit payment
- [HB 291](#) – Revise local government investment laws to allow a municipal group self-insurance program additional investment options
- [HB 465](#) – Revise local government acceptable uses of building permit fees to include activities in support of reviewing and issuing building permits
- [SB 177](#) – Allow additional local government employer benefits
- [SB 332](#) – Require property tax information be included in budget discussions
- [SB 358](#) – Require disclosure of taxpayer funds used to finance lobbying by local governments and schools

### COUNTY & MUNICIPAL OFFICERS

- [HB 295](#) – Revise nepotism laws in small communities of under 10,000 residents to allow for the appointment of a relative if the relative of the appointee abstains from voting on the appointment
- [HB 412](#) – Revise the code of ethics for public officials and government employees regarding the use of public resources for political purposes
- [HB 695](#) – Restrict certain temporary restraining orders against state or local government officers acting in their official capacities.

[HB 724](#) – Revise public notice requirements to allow for publication on a local government entity or newspaper's website and require the publication of an agenda prior to a meeting

[HB 890](#) – Require certain local government boards to provide audio and/or video recording of public meetings

[SB 5](#) – Remove requirement for a county to publish public notice in an adjacent county

[SB 330](#) – Require county clerks to accept electronic notarizations

[SB 374](#) – Revise local government public document retention schedules

## ELECTIONS

[HB 172](#) – Revise post-election audit laws to allow a county commission to request a random-sample audit of vote-counting machines

[HB 196](#) – Revise the procedure for counting votes to include deadlines for vote tabulation and reporting

[HB 360](#) – Revise the election of county commissioners by district

[HB 510](#) – Revise certification timeline laws for municipal candidates

[HB 754](#) – Allow for the disclosure of certain personal information to a local government elections official to verify voter registration information

[SB 86](#) – Limit the number of registered voters in each election precinct to no more than 2,500 registered voters

[SB 416](#) – Revise the timeline for changes to precinct boundaries after districting and apportionment

## LAND USE & PLANNING

[HB 187](#) – Establish that child care is a residential use of property

[HB 198](#) – Provide for municipal authority regarding the placement of impermanent encroachments on sidewalks of a state highway or a highway right-of-way

[HB 211](#) – Revise the local subdivision review process to clarify the information a governing body may consider for subsequent hearings, provide a timeline for final plat approval in a phased subdivision, and clarify requirements for an expedited subdivision review

[HB 246](#) – Allow for county and municipal zoning of tiny dwelling units

[HB 299](#) – Revise resolution and ordinance requirements regarding land use regulation enforcement

[HB 364](#) – Allow for independent subdivision reviews if the Department of Environmental Quality receives more than 110 applications for review in a calendar month and requiring the refund of review fees in certain circumstances

[HB 874](#) – Increase the local government examination fee for exempt divisions of land

- [HB 918](#) – Eliminate the Department of Public Health and Human Services requirement of day-care homes for zoning purposes
- [SB 130](#) – Allow for a consolidated land use planning board
- [SB 131](#) – Revise exempt subdivision review timelines to require approval or denial of exemption with 20 working days of receiving materials
- [SB 143](#) – Allow for a referendum to terminate a citizen-initiated county zoning district
- [SB 152](#) – Revise minor subdivision laws to amend the date of exempt divisions of land used to determine whether a division of land constitutes a minor subdivision
- [SB 170](#) – Allow for an expedited review process for administrative minor subdivisions
- [SB 220](#) – Include public infrastructure and county-owned parks in municipal annexation
- [SB 237](#) – Require development plans for public water and wastewater system connections
- [SB 245](#) – Revise municipal zoning to allow for multifamily and mixed-use development in commercial zones
- [SB 285](#) – Revise sanitation in subdivision laws to limit the regulation of individual sewage facilities that are higher in elevation or less than 500 feet from state surface waters and allowing for additional exempt subdivision requirements
- [SB 323](#) – Allow for duplex housing in cities over 5,000 residents.
- [SB 331](#) – Revise condo and townhouse exemptions to require a 20 working day review and prohibits the imposition of additional conditions
- [SB 382](#) – Create the Montana Land Use Planning Act
- [SB 406](#) – Revise laws related to local building codes to clarify that local building codes may not be more stringent than the state building code
- [SB 407](#) – Revise municipal zoning laws to require certain reviews be completed by employees of the municipality.
- [SB 528](#) – Revise zoning laws related to accessory dwelling units (ADUs) to require municipalities to adopt ADU regulations

## LOCAL GOVERNMENT POWERS

- [HB 241](#) – Prohibit local governments from requiring buildings be constructed with solar panels or wiring, batteries or other equipment for solar panels or electric vehicles
- [HB 584](#) – Prohibit a government entity from bringing a lawsuit against firearms or ammunition manufacturers
- [SB 105](#) – Prohibit rent control of private residential or commercial property

[SB 178](#) – Generally revise cryptocurrency laws to prohibit a local government from assessing additional taxes, fees, or charges

[SB 208](#) – Prohibit local governments from banning or limiting energy choices

[SB 228](#) – Prohibit local governments from banning petroleum fuels

[SB 262](#) – Revise licensing requirements to prohibit a local government from requiring additional licensing when the state is the original issuer of the license

## PUBLIC SAFETY & COURTS

[HB 174](#) – Require the department of corrections payments of certain detention center costs be based on actual costs

[HB 236](#) – Revise public safety agency and public safety answering point laws to require notification of service requests

[HB 256](#) – Revise when auxiliary officers may carry a less than lethal weapon

[HB 534](#) – Increase the collections limit for actions brought before a municipal court

[SB 7](#) – Revise laws related to state prison and county detention center telecommunications to require county detention centers to offer the same per-minute fee as the department of corrections.

[SB 229](#) – Provide an appropriation to reimburse counties for actual expert witness costs

[SB 294](#) – Establish the Montana End of Watch Trust and provide for local government payments for health insurance benefits when an officer is catastrophically injured or dies

[SB 391](#) – Providing partial salary for or reassignment of injured county detention officers

## SPECIAL DISTRICTS

[HB 32](#) – Allow additional local government entity board training by citizen petition

[HB 35](#) – Remove appointed county water and/or sewer district board members and allow for nonvoting, ex officio members

[HB 675](#) – Authorize the consolidation of county water and/or sewer districts with a county or municipal facility or service

## STATE FUNDING OF LOCAL PROJECTS

[HB 355](#) – Appropriate funds for local government infrastructure projects on a cash-match basis with local governments for projects including water and wastewater facilities, fire suppression systems, streets, roads, bridges, landfills, street lights, airports, and public grounds

[HB 819](#) – Create the Montana Community Reinvestment Act to fund workforce housing including a Montana housing infrastructure revolving account and authorizing additional funding for low-income and moderate-income housing loans from the permanent coal tax trust fund

[HB 821](#) – Appropriating funds for weed control in Yellowstone, Musselshell, and Stillwater Counties

[SB 174](#) – Allow a political subdivision to receive funding for broadband infrastructure projects

[SB 536](#) – Provide for road maintenance in cities and towns with a population of less than 10,000

## TAXES, FEES, & FINANCE

[HB 39](#) – Eliminate county administration fee for youth residential services

[HB 76](#) – Repeal the MDT Bridge and Road Safety and Accountability restricted account and provide for a Local Government Road Construction and Maintenance restricted account

[HB 128](#) – Generally revise marijuana laws to clarify the formula for municipal tax revenue allocation

[HB 497](#) – Require property tax bill to include comparison with prior year

[HB 543](#) – Requiring the ballot for a bond election to include the estimated property taxes to be imposed on a residence and the ballot for a mill levy increase to include an impact statement on rental costs.

[HB 830](#) – Allow for alternative property tax payment schedule of seven equal payments for primary residence owners

[SB 23](#) – Require county to record certain condominiums

[SB 123](#) – Require the ballot for bond elections to estimate the additional taxes imposed on a residence (language added to coordinate with HB 543)

[SB 142](#) – Provide oversight of local impact fees by requiring impact fee collections be accounted for in separate proprietary funds and restricted to a specific project and allowing for a citizen to bring a private right of action

[SB 199](#) – Revise eligibility criteria for resort communities and resort areas

[SB 322](#) – Require local governments to include property tax increase amounts on preliminary and final budgets.

[SB 362](#) – Eliminate property tax statute of limitations of refunds

[SB 505](#) – Revise tax increment calculation for districts that use tax increment financing districts

## MISCELLANEOUS

[HB 113](#) – Repeal the licensing of hucksters

[HB 215](#) – Clarify the definition of governing body of a local health board

[HB 486](#) – Revise county road access laws to allow a citizen to petition the board of county commissioners to remove an encroachment and increase the daily penalty for an unlawful encroachment

[HB 693](#) – Clarify disclosure of public information that may be involved in litigation (*veto override successful*)

[HB 938](#) – Allow board of county commissioners to issue encroachment permits under certain circumstances

[SB 98](#) – Revise the jurisdictional area of a municipal health board to only the city or town limits.

[SB 173](#) – Clarify the county road abandonment process

[SB 202](#) – Revise the Montana Local Food Choice Act to allow a board of county commissioners to establish farmers markets but not regulate or license farmers markets

### VETOED LEGISLATION

[HB 33](#) – Allow county commissioners to initiate certain civil proceedings

[HB 748](#) – Allow for zoning for the separation of incompatible uses of property

[SB 275](#) – Revise definition of proposed mixing zone and well isolation zone

[SB 301](#) – Revise property laws related to lakeshore regulations

[SB 442](#) – Allow marijuana tax revenue to be used for county road maintenance

## FINAL STATUS OF 2021-2022 LOCAL GOVERNMENT INTERIM COMMITTEE BILLS

Bill	Short Title	Status
<a href="#">HB 20</a>	Appropriation for the MSU LG Center	Missed Appropriation Bill Transmittal Deadline
<a href="#">HB 32</a>	Allow additional local government entity board training by petition	Chapter Number Assigned
<a href="#">HB 33</a>	Allow county commissioners to initiate certain civil proceedings	Veto Override Failed
<a href="#">HB 35</a>	Remove appointed members and allow ex officio members on county water/sewer district board	Chapter Number Assigned
<a href="#">SB 5</a>	Remove requirement for a county to publish public notice in an adjacent county	Chapter Number Assigned