

1 HOUSE BILL NO. 914
2 INTRODUCED BY K. ZOLNIKOV
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS;
5 PROHIBITING A LOCAL GOVERNMENT FROM ADOPTING CERTAIN BUILDING CODES RELATED TO
6 FOUNDATIONS; REQUIRING A LOCAL GOVERNMENT TO INTERPRET A GROWTH POLICY BY ITS
7 PLAIN LANGUAGE; REQUIRING A LOCAL GOVERNMENT TO ALLOW CERTAIN RESIDENTIAL USES ON
8 LAND ANNEXED INTO A MUNICIPALITY; PROVIDING AN APPROPRIATION; AMENDING ~~SECTION~~
9 SECTIONS 50-60-301 AND 76-1-605, MCA; AND PROVIDING AN EFFECTIVE DATE."
10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12

13 **Section 1.** Section 50-60-301, MCA, is amended to read:

14 **"50-60-301. County, city, and town building codes authorized -- health care facility and public**
15 **health center doors -- fee adjustment for model plans.** (1) The local legislative body of a county, city, or
16 town may adopt a building code to apply to the county, city, or town by an ordinance or resolution, as
17 appropriate:
18 (a) adopting a building code; or
19 (b) authorizing the adoption of a building code by administrative action.
20 (2) (a) Except as provided in ~~subsection-subsections~~ (2)(b) and (5), a county, city, or town building
21 code may include only codes adopted by the department.
22 (b) A county, city, or town may, as part of its building code or by town ordinance or resolution,
23 adopt voluntary energy conservation standards for new construction for the purpose of providing incentives to
24 encourage voluntary energy conservation. The incentive-based energy conservation standards adopted may
25 exceed any applicable energy conservation standards contained in the state building code. New construction is
26 not required to meet local standards that exceed state energy conservation standards unless the building
27 contractor elects to receive a local incentive.

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Zolnikov - (S) Local Government

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Drafter: Toni Henneman, 406-444-3593

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1 (3) Any provision of a building code requiring the installation or maintenance of self-closing or
2 automatic closing corridor doors to patient rooms does not apply to health care facilities, as defined in 50-5-101,
3 or to a public health center, as defined in 7-34-2102.

4 (4) (a) When the same single-family dwelling plan is constructed at more than one site, the county,
5 city, or town shall, after the first examination of the plan, adjust the required plan fee to reflect only the cost of
6 reviewing requirements pertaining to the review of:

7 (i) zoning;

8 (ii) footings, foundations, and basements;

9 (iii) curbs;

10 (iv) gutters;

11 (v) landscaping;

12 (vi) utility connections;

13 (vii) street requirements;

14 (viii) sidewalks; and

15 (ix) other requirements related specifically to the exterior of the building.

16 (b) If a building contractor alters the single-family dwelling plan referred to in subsection (4)(a) in a
17 fashion that substantially affects the building code requirements, the county, city, or town may impose the full
18 examination fee permitted under 50-60-106.

19 (5) A county, city, or town may not adopt a building code or ordinance that requires the
20 construction of a foundation slab with a deflection ratio greater than 1 inch for every 30 feet unless a more
21 stringent requirement is contained in the state building code."

22

23 **Section 2.** Section 76-1-605, MCA, is amended to read:

24 **"76-1-605. Use of adopted growth policy.** (1) Subject to subsection (2), after adoption of a growth
25 policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by
26 and give consideration to the general policy and pattern of development set out in the growth policy in the:

27 (a) authorization, construction, alteration, or abandonment of public ways, public places, public

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1 structures, or public utilities;

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

4 (c) adoption of zoning ordinances or resolutions.

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

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

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

11
12 NEW SECTION. Section 3. Local ordinances and annexed land. A city or town council or other
13 legislative body may not adopt IF AN EXISTING RESIDENTIAL USE WAS ALLOWED ON A LOT OR PARCEL PRIOR TO
14 ANNEXATION, a zoning ordinance or resolution or a nuisance ordinance that prohibits a residential use on a lot or
15 parcel to be annexed into a municipality if the residential use was allowed on the lot or parcel prior to
16 annexation APPLYING TO THE LOT OR PARCEL MUST ALLOW THE RESIDENTIAL USE AS A LEGAL NONCONFORMING USE.

17
18 NEW SECTION. Section 4. Appropriation. There is appropriated \$500 from the general fund to the
19 department of commerce for the fiscal year beginning July 1, 2023, to notify local governments of the statutory
20 revisions implemented in [this act].

21
22 NEW SECTION. Section 5. Codification instruction. [Section-2 3] is intended to be codified as an
23 integral part of Title 76, chapter 2, part 3, and the provisions of Title 76, chapter 2, part 3, apply to [section-2 3].

24
25 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.

26 - END -