

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 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; PROVIDING AN APPROPRIATION APPROPRIATIONS; AMENDING SECTION 76-
8 1-605, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 76-1-605, MCA, is amended to read:

13 **"76-1-605. Use of adopted growth policy.** (1) Subject to subsection (2), after adoption of a growth
14 policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by
15 and give consideration to the general policy and pattern of development set out in the growth policy in the:

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

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

20 (c) adoption of zoning ordinances or resolutions.

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

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

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

27

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0914.002.002

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.
6

7 NEW SECTION. Section 3. Appropriation. (1) There is appropriated \$500 from the general fund to
8 the department of commerce for the fiscal year beginning July 1, 2023, to notify local governments of the
9 statutory revisions implemented in [this act].

10 (2) There is appropriated \$100,000 from the general fund to the department of administration for
11 the biennium beginning July 1, 2023, to perform a feasibility study for a fire station in the most populous
12 municipality in Lewis and Clark County.
13

14 NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an
15 integral part of Title 76, chapter 2, part 3, and the provisions of Title 76, chapter 2, part 3, apply to [section 2].
16

17 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.
18

- END -