

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

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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."

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**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

HB0914.002.007

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.  
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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 \$49,900 from the general fund to the department of administration in  
11 each year of the biennium beginning July 1, 2023, to perform a feasibility study for a fire station in the most  
12 populous 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].  
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17            NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.  
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