

HOUSE BILL NO. 914

INTRODUCED BY K. ZOLNIKOV

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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; 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

1 legislative body may not adopt a zoning ordinance or resolution or a nuisance ordinance that prohibits a
2 residential use on a lot or parcel to be annexed into a municipality if the residential use was allowed on the lot
3 or parcel prior to annexation.

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

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9 NEW SECTION. **Section 4. Codification instruction.** [Section 2] is intended to be codified as an
10 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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12 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2023.

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