

HOUSE BILL NO. 299

INTRODUCED BY J. HINKLE, A. BUCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT RESOLUTION AND ORDINANCE REQUIREMENT APPLICABILITY RELATED TO LAND USE REGULATION ENFORCEMENT; REVISING A DEFINITION; AMENDING SECTIONS 7-5-103 AND 7-5-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-5-103, MCA, is amended to read:

"7-5-103. Ordinance requirements. (1) All ordinances must be submitted in writing in the form prescribed by resolution of the governing body.

(2) An ordinance passed may not:

(a) contain more than one comprehensive subject, which must be clearly expressed in its title, except ordinances for codification and revision of ordinances;

(b) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(c) deny a customer of a private business the ability to access goods or services provided by the private business; or

(d) include any of the following actions for noncompliance with a resolution or ordinance that includes actions described in subsections (2)(b) and (2)(c):

(i) allow for the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to criminal charges.

(3) The prohibition provided in subsection (2)(c) does not apply to persons confirmed to have a

1 communicable disease and who are currently under a public quarantine order.

2 (4) The prohibitions provided in subsections (2)(b) through (2)(d) do not apply to:

3 (a) the adoption of an ordinance allowed in 75-7-411;

4 (b) the enforcement of zoning provisions as allowed in 76-2-113 and 76-2-210; or

5 (c) the enforcement of an ordinance pursuant to 76-2-308(2).

6 (5) An ordinance must be read and adopted by a majority vote of members present at two
7 meetings of the governing body not less than 12 days apart. After the first adoption and reading, it must be
8 posted and copies must be made available to the public.

9 (6) After passage and approval, all ordinances must be signed by the presiding officer of the
10 governing body and filed with the official or employee designated by ordinance to keep the register of
11 ordinances.

12 (7) As used in this section, "private business" means an individual or entity that is not principally a
13 part of or associated with a government unit and that has an established physical location within the boundaries
14 of the county or municipality. The term includes but is not limited to a nonprofit or for-profit entity, a corporation,
15 a sole proprietorship, or a limited liability company."

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17 **Section 2.** Section 7-5-121, MCA, is amended to read:

18 **"7-5-121. Resolution requirements.** (1) All resolutions must be submitted in the form prescribed by
19 resolution of the governing body.

20 (2) Resolutions may not:

21 (a) compel a private business to deny a customer of the private business access to the premises
22 or access to goods or services;

23 (b) deny a customer of a private business the ability to access goods or services provided by the
24 private business; or

25 (c) include any of the following actions for noncompliance with a resolution or ordinance that
26 includes actions described in subsections (2)(a) and (2)(b):

27 (i) allow for the assessment of a fee or fine;

28 (ii) require the revocation of a license required for the operation of a private business;

1 (iii) find a private business owner guilty of a misdemeanor; or

2 (iv) bring any other retributive action against a private business owner, including but not limited to
3 criminal charges.

4 (3) The prohibition provided for in subsection (2)(b) does not apply to persons confirmed to have a
5 communicable disease and who are currently under a public quarantine order.

6 (4) The prohibitions provided for in subsection (2) do not apply to the enforcement of zoning
7 provisions as allowed in 76-2-113 and 76-2-210.

8 ~~(4)(5)~~ Resolutions may be submitted and adopted at a single meeting of the governing body.

9 ~~(5)(6)~~ After passage and approval, all resolutions must be entered into the minutes and signed by the
10 chairperson of the governing body.

11 ~~(6)(7)~~ As used in this section, "private business" means an individual or entity that is not principally a
12 part of or associated with a government unit and that has an established physical location within the boundaries
13 of the county or municipality. The term includes but is not limited to a nonprofit or for-profit entity, a corporation,
14 a sole proprietorship, or a limited liability company."

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16 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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