

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

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

HB0394.002.001

HOUSE BILL NO. 394

INTRODUCED BY L. BREWSTER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT LAWS; REVISING MUNICIPAL PUBLIC NOTICE AND PUBLIC HEARING REQUIREMENTS; REVISING THE PERIOD OF TIME THAT CERTAIN NOTICES MUST BE POSTED; ALIGNING VARIOUS MUNICIPAL NOTICES WITH APPLICABLE TIME PERIODS; AMENDING THE DATE WHEN CERTAIN RESOLUTIONS MUST BE ADOPTED BY A COUNTY OR MUNICIPALITY; AMENDING THE DEADLINES FOR CERTAIN PUBLIC HEARINGS; AND AMENDING SECTIONS 7-1-4127, ~~7-6-4024~~, 7-12-4179, 7-12-4329, 7-12-4425, 7-12-4426, 15-6-221, 69-7-111, 76-1-602, 76-2-303, 76-2-306, 76-3-503, 76-3-605, 76-3-623, 76-8-107, AND 76-25-307, MCA."

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

Section 1. Section 7-1-4127, MCA, is amended to read:

"7-1-4127. Publication of notice -- content -- proof. (1) A municipality shall comply with the notice requirements of 2-3-103, including publication of an agenda prior to a meeting.

(2) When a municipality is required to publish notice, publication must be in a newspaper, except that in a municipality with a population of 500 or less, in a municipality in which a newspaper is not published, or in a municipality within a county where a newspaper does not meet the qualifications in subsection (3), publication must be made by posting in three public places in the municipality that have been designated by ordinance, one of which may be the municipality's website if the municipality has an active website.

(3) The newspaper must:

(a) be of general circulation;

(b) be published at least once a week;

(c) be published in the county where the municipality is located; and

(d) have, prior to July 1 of each year, submitted to the city clerk a sworn statement that includes:

(i) circulation for the prior 12 months;

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by ordinance and, if the municipality has an active website, was posted on the municipality's website at least 6 days prior to the hearing or other action for which notice was required."

Section 2. ~~Section 7-6-4024, MCA, is amended to read:~~

~~"7-6-4024. **Hearing on preliminary budget.** (1) The governing body shall hold a hearing in accordance with the notice given pursuant to 7-6-4021.~~

~~(2) Local government officials shall attend the budget hearing to answer questions on their proposed budgets if called upon:~~

~~(a) by the governing body; or~~

~~(b) by a taxpayer or resident.~~

~~(3) The hearing may be continued from day to day and must be concluded and the budget finally approved and adopted by resolution by the later of the first Thursday after the first Tuesday in September or by the later of the first Thursday after the first Tuesday in September or within 30 calendar days of receiving certified taxable values from the department of revenue."~~

Section 2. Section 7-12-4179, MCA, is amended to read:

"7-12-4179. Payment of maintenance costs -- resolution for assessment. (1) The cost of maintaining each of the improvements shall be paid by assessing the benefited properties of the district under a permissible assessment option as provided in 7-12-4162 through 7-12-4165.

(2) It is the duty of the council to estimate, as nearly as practicable, the cost of maintaining the improvements in each district for the season. Before the first Monday in ~~September~~ October of each year, the council shall pass and finally adopt a resolution levying and assessing all the property within the several districts with an amount equal to the whole cost of maintaining the improvements within the several districts.

(3) The resolution levying assessments to defray the cost of maintenance of the improvement shall be prepared and certified in the same manner as a resolution levying assessments for making improvements in the special improvement district.

(4) The council may change by resolution, not more than once a year, the boundaries of any

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1 maintenance district, but the change of boundaries may not affect indebtedness existing at the time of the
2 change."

3
4 **Section 3.** Section 7-12-4329, MCA, is amended to read:

5 **"7-12-4329. Notice of resolution for assessment of installation costs -- hearing on resolution.**

6 (1) A notice, signed by the city clerk, stating that the resolution levying the assessment to defray the portion of
7 the cost of installing and maintaining the lights and supplying electrical current for the first year as determined
8 by the city or town council is on file in the city clerk's office subject to inspection, must be published as provided
9 in 7-1-4127.

10 (2) The notice must state the time and place at which objections to the final adoption of the
11 resolution will be heard by the council. ~~The time for the hearing may not be less than 5 days after the final~~
12 ~~publication of the notice."~~

13
14 **Section 4.** Section 7-12-4425, MCA, is amended to read:

15 **"7-12-4425. Resolution for assessment of costs of maintenance.** (1) The city council shall
16 estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the
17 ~~second Monday in August~~ first Monday in October first Thursday after the first Tuesday in September. The
18 council shall pass and finally adopt a resolution specifying the district assessment option and levying and
19 assessing all the property within the several districts with an amount equal to not less than 75% of the entire
20 cost of ~~said the~~ maintenance work.

21 (2) The resolution levying the assessment to defray the cost of maintenance shall contain or refer
22 to a list in which shall be described the lot or parcel of land assessed, ~~with the name of the owner thereof~~
23 known, and the amount levied ~~thereon~~ on the lot or parcel of land set opposite.

24 (3) ~~Such~~ The resolution shall be kept on file in the office of the city clerk."
25

26 **Section 5.** Section 7-12-4426, MCA, is amended to read:

27 **"7-12-4426. Notice of resolution for assessment.** (1) A notice, signed by the city clerk, stating that

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Section 14. Section 76-8-107, MCA, is amended to read:

"76-8-107. Buildings for lease or rent -- four or more buildings -- regulations. (1) A governing

body shall adopt regulations for the administration and enforcement of the creation of four or more buildings for lease or rent on a single tract.

(2) The regulations adopted pursuant to this section must, at a minimum:

(a) list the materials that must be included in an application for the creation of four or more buildings for lease or rent;

(b) require a description of:

(i) property boundaries;

(ii) onsite and adjacent offsite streets, roads, and easements;

(iii) geographic features;

(iv) existing septic tanks and drainfields;

(v) existing wells; and

(vi) existing and proposed buildings;

(c) require adequate water supply and sewage and solid waste disposal facilities;

(d) require an assessment of potential significant impacts on the surrounding physical environment and human population in the area to be affected, including conditions, if any, that may be imposed on the proposal to avoid or minimize potential significant impacts identified;

(e) require adequate emergency medical, fire protection, and law enforcement services;

(f) require access to the site; and

(g) comply with applicable flood plain requirements.

(3) (a) Prior to adopting regulations pursuant to this section, the governing body shall provide an opportunity for public hearing and comment on the proposed regulations. Notice of the public hearing must be published;

(i) as provided in 7-1-2121 if the governing body is a county commission and posted not less than 30 days before the public hearing in at least five public places, including but not limited to public buildings; or

(ii) as provided in 7-1-4127 ~~for a time period in accordance with 7-1-4127(7)(b)~~ if the governing

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1 body is a city commission or a town council, ~~and~~

2 ~~(b) — Notice of the public hearing must be posted not less than 30 days before the public hearing in~~
3 ~~at least five public places, including but not limited to public buildings.~~

4 ~~(e)(b)~~ Public comment must be addressed before the regulations are adopted."
5

6 **Section 15.** Section 76-25-307, MCA, is amended to read:

7 **"76-25-307. Interim zoning ordinances.** (1) A local government, to protect the public safety, health,
8 and welfare and without following the procedures otherwise required prior to adopting a zoning regulation, may
9 adopt an interim zoning ordinance as an urgency measure to regulate or prohibit uses that may conflict with a
10 zoning proposal that the governing body is considering or studying or intends to study within a reasonable time.

11 (2) Before adopting an interim zoning ordinance, the governing body shall first hold a public
12 hearing upon notice reasonably designed to inform all affected parties. A notice must be published ~~in a~~
13 ~~newspaper of general circulation at least 7 days before the public hearing~~ as provided in 7-1-4127.

14 (3) An interim zoning ordinance takes effect immediately on passage and approval after first
15 reading and may be in effect no longer than 1 year from the date of its adoption.

16 (4) A local government may not act under the authority provided for in this section until the local
17 government has adopted a land use plan and zoning regulations pursuant to this chapter."
18

19 - END -