

1 House BILL NO. 542  
2 INTRODUCED BY Huenrich

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDEFINE THE  
5 FUNCTIONS OF THE PLANNING DIVISION WITHIN THE DEPARTMENT OF  
6 INTERGOVERNMENTAL RELATIONS, TO REQUIRE DESIGNATION OF A  
7 PLANNING OFFICER IN EACH EXECUTIVE DEPARTMENT, TO PROVIDE  
8 FOR THE PREPARATION AND ADOPTION OF A STATE COMPREHENSIVE  
9 PLAN AND ADDITIONAL FUNCTIONS WITH HEARINGS THEREON FOR  
10 SUBMISSION TO THE GOVERNOR AND LEGISLATURE, TO REQUIRE AN  
11 ANNUAL PROGRESS REPORT; AND TO REPEAL SECTIONS 82-3701,  
12 82-3702, 82-3705, 82-3705.1, 82-3705.2, 82-3705.3, AND  
13 82-3706, R.C.M. 1947."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. This act shall be known and may be cited as  
17 the "Montana Planning Act".

18 Section 2. Declaration of necessity and public policy.  
19 It is the public policy of the state of Montana to promote  
20 and perform planning responsive to natural resource and  
21 social welfare considerations in order to provide for the  
22 cultural and spiritual well-being of its citizens.  
23 Promotion of judicious land-use planning requires that  
24 cognizance be taken of environmental limitations and human  
25 needs and desires to provide meaningful life styles

1 compatible with the maintenance of existing natural and  
2 cultural values in Montana.

3 Section 3. Functions of planning division. The  
4 planning division of the department of intergovernmental  
5 relations shall serve as the agency of state government in  
6 coordinating the planning activities of all state executive  
7 agencies. To this end the division shall perform the  
8 following functions: (1) Work with all branches and levels  
9 of government and the citizenry at large to determine long  
10 range goals relative to the control and limitation of  
11 economic growth, population influx, energy and resource  
12 consumption;

13 (2) Assist the governor in coordinating planning  
14 activities in all branches and levels of government;

15 (3) Develop and present a state comprehensive plan to  
16 determine natural and social developmental limitations, in  
17 compliance with long-range goals;

18 (4) Prepare or cause to be prepared any studies and  
19 reports or interim and functional plans necessary or useful  
20 in the preparation and revision of the state comprehensive  
21 plan;

22 (5) Assemble and correlate information for the purpose  
23 of formulating the state comprehensive plan;

24 (6) Make available basic demographic, geographic, and  
25 economic data and projections to all public and private

1 organizations and individuals;

2 (7) Apply for, accept, and administer grants from the  
3 federal government or other public or private sources to  
4 accomplish the objectives of this act, and enter into  
5 contracts, including agreements with adjoining states, with  
6 respect to planning involving adjoining states;

7 (8) Cooperate with and provide technical assistance to  
8 county, municipal, state and regional planning commissions,  
9 parks or recreation boards, community development groups,  
10 community action agencies and similar agencies;

11 (9) Carry out continuing studies and analyses of the  
12 compatibility of population and industrial growth in the  
13 state and develop recommendations for administrative or  
14 legislative action, to include growth control policies,  
15 which appear necessary to achieve long-range goals and the  
16 purposes of this act.

17 Section 4. Adoption of state comprehensive plan.

18 (1) A proposed state comprehensive plan shall be  
19 transmitted to the governor for his consideration and action  
20 not later than December 31, 1976. The plan or parts or  
21 revisions thereof, when approved by the governor, shall be  
22 transmitted to the secretary of the senate and the clerk of  
23 the house of representatives for presentation to the next  
24 regular session of the legislature. Copies shall also be  
25 transmitted to each state department, regional planning

1 association, county, municipality and federal agency  
2 affected by or having an interest in the plan.

3 (2) At least two (2) public hearings shall be held in  
4 each substate planning district of Montana concerning the  
5 proposed state comprehensive plan before transmittal to the  
6 governor. Full consideration of public opinion shall be  
7 given in the preparation of the comprehensive plan. Notice  
8 of any hearing shall be given by at least two (2)  
9 publications in a newspaper of general circulation in the  
10 area where each hearing is to be held, not less than four  
11 (4) days nor more than ten (10) days prior to the date of  
12 each hearing.

13 (3) Nothing contained in the plan or parts or  
14 revisions thereof shall authorize the implementation of any  
15 programs not otherwise authorized under law. Any part of  
16 the plan not otherwise authorized by law is subject to  
17 review and approval by the legislature as expressed through  
18 its acts, both through substantive law and emphasis as  
19 contained in appropriations acts.

20 (4) Upon action as contained in subsection (1) of this  
21 section and upon completion of any legislative action  
22 necessary as contained in subsection (2) of this section,  
23 the provisions of the plan become effective as state policy.  
24 State department or agency budgets shall be prepared and  
25 executed based upon and consistent with law and the state

1 comprehensive plan.

2 Section 5. Designation of departmental planning  
3 officer. (1) Within sixty (60) days after the effective  
4 date of this act the director of each executive department  
5 and the Montana environmental quality council shall select  
6 from within that department or council a person to be  
7 designated as the planning officer for the agency. The  
8 planning officer is responsible for coordinating with the  
9 division and with the planning officers of other agencies  
10 all activities and responsibilities of that department  
11 relating to planning.

12 (2) The director of each department or council shall  
13 notify the administrator of the planning division in writing  
14 of the person initially designated as the planning officer  
15 for that department and of any changes in persons so  
16 designated thereafter.

17 Section 6. Annual progress report. (1) The division  
18 shall prepare annually a report on the progress made by the  
19 division, other state agencies and substate districts in  
20 achieving the purposes of this act. This report shall  
21 describe the progress made in developing the state  
22 comprehensive plan, indicating the degree with which public  
23 participation is achieved as well as functional plans.  
24 Planning studies, and reports during the preceding fiscal  
25 year shall be included.

1 (2) The annual progress report on state and substate  
2 planning shall be transmitted to the governor and to each  
3 member of the legislature not later than December 31 of each  
4 year.

5 Section 7. Repealer. Sections 82-3701, 82-3702,  
6 82-3705, 82-3705.1, 82-3705.2, 82-3705.3 and 82-3706, R.C.M.  
7 1947, are repealed.

-End-