

PUBLIC NOTICE

City of Hardin Government Study Review Commission Meeting Agenda

March 11, 2026

5:30 p.m. City Council Chambers

Call to Order

Public comment

Agenda

1. Approve Minutes of previous meetings:
 - a. January 21, 2025
2. Tentative Report
3. Public Hearing on Tentative Report and Study Commission process

Adjourn

Hardin Local Government Review Study Commission

January 21, 2026 Meeting Minutes

At 5:30 p.m., Chairperson Carolyn Dawes called the meeting to order. Present were Commissioners Carolyn Dawes and Randy Mercier. Commissioner Jason Stephenson was absent. Also present was Jordan Knudsen, ex-officio member.

Members of the public present: none

Public Comment: none.

Carolyn moved to approve the minutes from the previous meeting of November 19, 2025, and Randy seconded. A voice vote was called, and the motion passed unanimously.

Randy provided a financial report, that there was \$26,515.53 in the Study Commission account.

The next item discussed was the Tentative Report, which is set to be due February 18, 2026. Carolyn reported that she talked to the Local Government center at MSU to get a presenter, but they were not available February 18. Carolyn reported that February 20 was available for the presenter, but that it would cost money. Jordan suggested that the commission still have the Tentative Report done by February 18, and then have the hearing as scheduled. There was some discussion on how to complete the tentative report, and then provide it to Jordan for the February 18 meeting. Carolyn suggested that there should be refreshments for the hearing, and Jordan volunteered to be responsible for them. Carolyn said that a box of Subway sandwiches would be a good choice. There was discussion on whether February 18 should still be the date of the Tentative Report, and the hearing.

Carolyn moved that the commission pay for the travel of the MSU presentation, which would include the fee, travel mileage, per diem, and hotel, if needed. Randy seconded the motion. A voice vote was called, and the motion passed unanimously. Jordan informed the commission that the costs could be submitted to the City via a claim form.

Randy moved to give Carolyn authority to re-set the date of the Tentative Report and hearing for a date in future at which the MSU presenter could attend, since no date had been finalized for the presentation. Carolyn seconded. A voice vote was called, and the motion passed unanimously.

The next item discussed was the vacancy of the position held by Jason Stephenson. Jordan informed the parties that Jason had not attended a meeting since July 16, 2025. The commission then reviewed Resolution No. 2026-01, drafted by Jordan, which upon approval would declare Jason's position vacant. Carolyn moved to approve Resolution No. 2026-01, and Randy seconded the motion. A voice vote was called, and the motion passed unanimously. Resolution No. 2026-01 was adopted, and Jason's position on the commission was now vacant.

The February 18, 2026 meeting was cancelled, and the next meeting date would be set by Carolyn.

Carolyn then moved to adjourn, and Randy seconded the motion. A voice vote was called, and the motion passed unanimously. The meeting was adjourned at 5:52 p.m.

Approved this _____ day of March, 2026.

Carolyn Dawes, Chairperson

MUNICIPAL STUDY COMMISSION
FINAL REPORT
AMENDING THE PLAN OF GOVERNMENT TO PROVIDE FOR SELF-GOVERNING POWERS

CITY OF HARDIN STUDY COMMISSION
FINAL REPORT

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I. INTRODUCTION

To the Citizens of the City of Hardin:

The City of Hardin Study Commission elected by the voters on November 5, 2024, or thereafter appointed, presents this final report to you, the citizens of this town.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, propose an amendment to the existing form of government, or offer an alternative form of government to the qualified electors.

If some change is deemed necessary, the study commission may submit such proposed change to the electors. In every phase of this review this study commission sought advice and information from as many people in the Town as possible. They solicited opinions and recommendations from local government officials, community organizations, and citizens. All study commission meetings were open to the public. Commission members appeared before various community organizations to explain the work of the commission and to hear the viewpoints, ideas, and concerns of those present. The study commission held public hearings and conducted a survey of citizen attitudes to determine community opinion.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, and those who responded to the survey, in addition to the independent efforts of this study commission. In this final report we present our unanimous recommendation for an amendment to the present plan of government providing for a Self Governance Style of government. We propose no other change to the present plan of the Town Government.

The question of adopting this amendment to the Self Governance Style of Government will be placed on the ballot November 3, 2026.

Respectfully submitted,

City of Hardin Commissioners

II. REPORT SUMMARY

Findings of the Study Commission:

After a thorough study of the town government including extensive interviews with the Mayor and Council members and discussions with numerous citizens before, during, and after a public hearing attended by at least 100 citizens, the City of Hardin Study Commission found that:

1. The present method of Commission-Executive form (council-mayor) which consist of:
 - a. Council/commission elected directly by the citizens.
 - b. Executive (mayor) elected directly by the citizens.
 - c. Co-equal branches of government.

Is currently serving the City of Hardin, and presents a limited style of government.

2. Adopting Self Governance powers and adopting a self-government charter may:
exercise any power not prohibited by this constitution, law, or charter.

Recommendation:

In view of the above findings, the Study Commission recommends that the City of Hardin amend to provide for Charter form consisting of:

- a. Written document establishing executive, legislative, and administrative structure and organization of the local government and are superior to statutory provisions.
- b. Can look like any of the other forms or be a structure unique to the local government.
- c. Must adopt self-governing power with Charter form.

APPENDIX A:

Certificate Establishing the Existing Plan of Government for the City of Hardin

If retained by the voters, the government of the City of Hardin shall be organized under the following provisions of 7-3-113, MCA, which authorizes the municipal Commission-Executive form of government:

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:

(a) 7-3-201; (b) 7-3-202(1); (c) 7-3-203; (d) 7-3-212(2); (e) 7-3-213(3); (f) 7-3-214(2); (g) 7-3-215(2); (h) 7-3-216(2); (i) 7-3-217(2); (j) 7-3-218(2); (k) 7-3-219(2); (l) 7-3-220(1); (m) 7-3-221(3); (n) 7-3-222(2); (o) 7-3-223(2).

(2) This form has terms of 2 years for all elected officials. The size of the commission shall be six (6).

Commission-Executive Government

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing: (1) general government powers;

7-3-203. Duties of executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;

- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission; and
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-204 through 7-3-210 reserved.

7-3-213. Supervision of personnel. The executive may:

- (3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees;

7-3-214. Veto power. The executive may:

- (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission;

7-3-215. Preparation of budget. The executive may:

- (2) prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may:

- (2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer):

- (2) shall be appointed by the executive with the consent of the council; NOTE: Position consolidated with Clerk as Clerk-Treasurer.

7-3-218. Selection of commission members. The commission shall be:

- (2) elected by district in which candidates must reside and which are apportioned by population;

7-3-219. Type of election. Local government elections shall be conducted on a:

- (2) nonpartisan basis.

7-3-220. Presiding officer of commission. The commission must have a presiding officer who must be:

- (1) elected by the members of the commission from their own number for a term established by ordinance;

7-3-221. Presiding officer of commission. The presiding officer of the commission:

(3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent);

7-3-222. Terms of commission members. Commission members shall be elected for:

(2) overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and: (2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

We, the Study Commissioners of the City of Hardin do hereby certify that this is the existing Plan of Government as established by Section 7-3-113, MCA. In testimony whereof, we set our hands.

Done at City of Hardin City Hall this _____ day of _____, 2026.

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL ATTEST:

Clerk of City of Hardin

APPENDIX B:

Certificate Establishing the Proposed Plan of Government for the City of Hardin

Upon approval of the majority of voters, the government of the City of Hardin shall be organized under the following provisions of 7-1-101. Self-government powers:

As provided by Article XI, section 6, of the Montana constitution, a local government unit with self government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

7-1-102. Authorization for self-government services and functions. A local government with self-government powers may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or its charter. These services and functions include but are not limited to those services and functions which general power government units are authorized to provide or perform.

7-1-103. General power government limitations not applicable. A local government unit with self-government powers which elects to provide a service or perform a function that may also be provided or performed by a general power government unit is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in its charter or in state law specifically applicable to self-government units.

SELF-GOVERNMENT CHARTER

The Constitution of the State of Montana Article XI Local Government

Section 5. Self-government charters.

(1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

- (a) Initiated by petition in the local government unit or combination of units; or
- (b) Called by the governing body of the local government unit or combination of units.

(3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Montana Code Annotated
Title 7. Local Government
Chapter 1. General Provisions

Part 1. Nature of Self-governing Local Governments and Local Government Prohibitions

7-1-111. Powers denied.

A local government unit with self-government powers is prohibited from exercising the following:

- (1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;
- (2) any power that applies to or affects the provisions of 7-33-4128 or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;
- (3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;
- (4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;
- (5) any power that establishes a rate or price otherwise determined by a state agency;
- (6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;
- (7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;
- (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;
- (9) any power that applies to or affects the right to keep or bear arms;
- (10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;
- (11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;
- (12) except as provided in 7-3-1105, 7-3-1222, 7-21-3214, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;
- (13) (a) any power that applies to or affects landlords, as defined in 70-24-103 and 70-33-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24, 25, and 33; or
(b) any power to deviate from or add to the exclusive application of the provisions of:
 - (i) the Montana Residential Landlord and Tenant Act of 1977, Title 70, chapter 24;
 - (ii) residential tenants' security deposit law in Title 70, chapter 25; or
 - (iii) the Montana Residential Mobile Home Lot Rental Act, Title 70, chapter 33.
- (14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;
- (15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale,

storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.

(16) subject to 80-5-136(10), any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in 80-5-120. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.

(17) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(18) subject to 76-2-240 and 76-2-340, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local government unit;

(20) any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire;

(21) any power as prohibited in 7-1-121

(2) affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on auxiliary containers, as defined in 7-1-121(4);

(22) any power that provides for fees, taxation, or penalties based on carbon or carbon use in accordance with 7-1-116;

(23) any power to require an employer, other than the local government unit itself, to provide an employee or class of employees with a wage or employment benefit that is not required by state or federal law;

(24) any power to enact an ordinance prohibited in 7-5-103 or a resolution prohibited in 7-5-121 and any power to bring a retributive action against a private business owner as prohibited in 7-5-103(2)(d)(iv) and 7-5-121(2)(c)(iv);

(25) any power to prohibit the sale of alternative nicotine products or vapor products as provided in 16-11-313(1);

(26) any power to control the amount of rent charged for private residential or commercial property. Private residential property does not include property in which the local government

unit has a property interest or in which the local government unit has an interest through a housing authority.

(27) any power to require additional licensing when the state is the original issuer of the license;

(28) any power to prohibit or impede the connection or reconnection of an electric, natural gas, propane, or other energy or utility service provided by a public utility, municipal utility, cooperative utility, or other energy or fuel provider;

(29) any power to prohibit the purchase or use of any fuel derived from petroleum, including but not limited to methane, propane, gasoline, and diesel fuel, or the installation or use of any vehicles, vessels, tools, or commercial and residential appliances that burn or transport petroleum fuels; or

(30) any power to require that buildings be constructed to have solar panels or wiring, batteries, or other equipment for solar panels or electric vehicles.

7-1-112. Powers requiring delegation.

A local government with self-government powers is prohibited the exercise of the following powers unless the power is specifically delegated by law:

(1) the power to authorize a tax on income or the sale of goods or services, except that, subject to 15-10-420, this section may not be construed to limit the authority of a local government to levy any other tax or establish the rate of any other tax;

(2) the power to regulate private activity beyond its geographic limits;

(3) the power to impose a duty on another unit of local government, except that nothing in this limitation affects the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation;

(4) the power to exercise any judicial function, except as an incident to the exercise of an independent self-government administrative power;

(5) the power to regulate any form of gambling, lotteries, or gift enterprises.

7-1-114. Mandatory provisions.

(1) A local government with self-government powers is subject to the following provisions:

(a) all state laws providing for the incorporation or disincorporation of cities and towns, for the annexation, disannexation, or exclusion of territory from a city or town, for the creation, abandonment, or boundary alteration of counties, and for city-county consolidation;

(b) Title 7, chapter 3, part 1;

(c) all laws establishing legislative procedures or requirements for units of local government;

(d) all laws regulating the election of local officials;

(e) all laws that require or regulate planning or zoning;

(f) any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service;

(g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments;

(h) Title 70, chapters 30 and 31.

(6) These provisions are a prohibition on the self-government unit acting other than as provided.

(7) (a) Notwithstanding the provisions of subsection (1)(g) and except as provided in subsection

(3)(b), self-governing local government units are not subject to the mill levy limits established by state law.

a. (b) The provisions of 15-10-420 apply to self-governing local government units.

We, the Study Commissioners of the City of Hardin do hereby certify that this is the Proposed Plan of Government approved by the study commissioners of the City of Hardin.

In testimony whereof, we set our hands. Done at City of Hardin City Hall this _____ day of _____, 2026.

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL ATTEST:

Clerk of City of Hardin

APPENDIX C:

Certificate Establishing the Date of the Special Election at Which the Amended Plan of Government Shall Be Presented to the Electors of the City of Hardin

The amended plan of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Hardin at a special election to be held with the general election on November 4, 2025. We, the Study Commissioners of the City of Hardin, do hereby certify that this is the date of the special election approved by the Study Commissioners of City of Hardin.

In testimony whereof, we set our hands. Done at City of Hardin City Hall this _____ day of _____, 2026.

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL ATTEST:

Clerk of City of Hardin

APPENDIX D:

Certificate Establishing the Official Ballot for the November 3, 2026, Special Election

Instructions to voters: Place an "X" in the box which expresses your preference.

**OFFICIAL BALLOT BALLOT ON THE AMENDED PLAN OF the City of Hardin
GOVERNMENT**

Vote for One.

_____ FOR adoption of the amendment to the existing plan of government providing for Self Governance election of the City of Hardin City Council proposed by the City of Hardin Study Commission.

_____ FOR the existing plan of government with ward-based election of the City of Hardin City Council.

We, the Study Commissioners of the City of Hardin do hereby certify that this is the official ballot approved by the Study Commissioners of the City of Hardin.

In testimony whereof, we set our hands. Done at City of Hardin City Hall this _____ day of _____, 2026.

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL ATTEST:

Clerk of City of Hardin

GENERAL GOVERNING POWERS

**The Constitution of the State of Montana
Article XI
Local Government**

Section 4. General powers.

- (1) A local government unit without self-government powers has the following general powers:
 - (a) An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.
 - (b) A county has legislative, administrative, and other powers provided or implied by law.
 - (c) Other local government units have powers provided by law.
- (2) The powers of incorporated cities and towns and counties shall be liberally construed.

**Title 7. Local Government
Chapter 1. General Provisions
Part 21. Conduct of County Government**

7-5-2101. General authority of county commissioners. (1) The board of county commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to represent the county and have the care of the county property and the management of the business and concerns of the county in all cases where no other provision is made by law.
(2) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to perform all other acts and things required by law not enumerated in this title or which may be necessary to the full discharge of the duties of the chief executive authority of the county government.

**Title 7. Local Government
Chapter 1. General Provisions
Part 41. Conduct of Municipal Government**

7-5-4101. General powers of municipal council. The city or town council has power to make and pass all bylaws, ordinances, orders, and resolutions not repugnant to the constitution of the United States or of the state of Montana or to the provisions of this title, necessary for the government or management of the affairs of a city or town, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of this title.

SELF-GOVERNING POWERS

**The Constitution of the State of Montana
Article XI
Local Government**

Section 6. Self-government powers.

A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

**Montana Code Annotated
Title 7. Local Government
Chapter 1. General Provisions
Part 1. Nature of Self-governing Local Governments and Local Government Prohibitions**

7-1-101. Self-government powers.

As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

7-1-102. Authorization for self-government services and functions.

A local government with self-government powers may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or its charter. These services and functions include but are not limited to those services and functions which general power government units are authorized to provide or perform.

7-1-103. General power government limitations not applicable.

A local government unit with self-government powers which elects to provide a service or perform a function that may also be provided or performed by a general power government unit is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in its charter or in state law specifically applicable to self-government units.

SELF-GOVERNMENT CHARTER

**The Constitution of the State of Montana
Article XI
Local Government**

Section 5. Self-government charters.

- (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.
- (2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

- (a) Initiated by petition in the local government unit or combination of units; or
 - (b) Called by the governing body of the local government unit or combination of units.
- (3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Montana Code Annotated
Title 7. Local Government
Chapter 1. General Provisions
Part 1. Nature of Self-governing Local Governments and Local Government Prohibitions

7-1-111. Powers denied.

A local government unit with self-government powers is prohibited from exercising the following:

- (1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;
- (2) any power that applies to or affects the provisions of 7-33-4128 or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;
- (3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;
- (4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;
- (5) any power that establishes a rate or price otherwise determined by a state agency;
- (6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;
- (7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;
- (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;
- (9) any power that applies to or affects the right to keep or bear arms;
- (10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;
- (11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;
- (12) except as provided in 7-3-1105, 7-3-1222, 7-21-3214, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;
- (13) (a) any power that applies to or affects landlords, as defined in 70-24-103 and 70-33-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24, 25, and 33; or
 (b) any power to deviate from or add to the exclusive application of the provisions of:
 - (i) the Montana Residential Landlord and Tenant Act of 1977, Title 70, chapter 24;

- (ii) residential tenants' security deposit law in Title 70, chapter 25; or
 - (iii) the Montana Residential Mobile Home Lot Rental Act, Title 70, chapter 33.
- (14)subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;
- (15)subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.
- (16)subject to 80-5-136(10), any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in 80-5-120. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.
- (17)any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;
- (18)subject to 76-2-240 and 76-2-340, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;
- (19)any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local government unit;
- (20)any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire;
- (21)any power as prohibited in 7-1-121(2) affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on auxiliary containers, as defined in 7-1-121(4);
- (22)any power that provides for fees, taxation, or penalties based on carbon or carbon use in accordance with 7-1-116;
- (23)any power to require an employer, other than the local government unit itself, to provide an employee or class of employees with a wage or employment benefit that is not required by state or federal law;
- (24)any power to enact an ordinance prohibited in 7-5-103 or a resolution prohibited in 7-5-121 and any power to bring a retributive action against a private business owner as prohibited in 7-5-103(2)(d)(iv) and 7-5-121(2)(c)(iv);
- (25)any power to prohibit the sale of alternative nicotine products or vapor products as provided in 16-11-313(1);
- (26)any power to control the amount of rent charged for private residential or commercial property. Private residential property does not include property in which the local government unit has a property interest or in which the local government unit has an interest through a housing authority.

- (27) any power to require additional licensing when the state is the original issuer of the license;
- (28) any power to prohibit or impede the connection or reconnection of an electric, natural gas, propane, or other energy or utility service provided by a public utility, municipal utility, cooperative utility, or other energy or fuel provider;
- (29) any power to prohibit the purchase or use of any fuel derived from petroleum, including but not limited to methane, propane, gasoline, and diesel fuel, or the installation or use of any vehicles, vessels, tools, or commercial and residential appliances that burn or transport petroleum fuels; or
- (30) any power to require that buildings be constructed to have solar panels or wiring, batteries, or other equipment for solar panels or electric vehicles.

7-1-112. Powers requiring delegation.

A local government with self-government powers is prohibited the exercise of the following powers unless the power is specifically delegated by law:

- (1) the power to authorize a tax on income or the sale of goods or services, except that, subject to 15-10-420, this section may not be construed to limit the authority of a local government to levy any other tax or establish the rate of any other tax;
- (2) the power to regulate private activity beyond its geographic limits;
- (3) the power to impose a duty on another unit of local government, except that nothing in this limitation affects the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation;
- (4) the power to exercise any judicial function, except as an incident to the exercise of an independent self-government administrative power;
- (5) the power to regulate any form of gambling, lotteries, or gift enterprises.

7-1-114. Mandatory provisions.

- (1) A local government with self-government powers is subject to the following provisions:
 - (a) all state laws providing for the incorporation or disincorporation of cities and towns, for the annexation, disannexation, or exclusion of territory from a city or town, for the creation, abandonment, or boundary alteration of counties, and for city-county consolidation;
 - (b) Title 7, chapter 3, part 1;
 - (c) all laws establishing legislative procedures or requirements for units of local government;
 - (d) all laws regulating the election of local officials;
 - (e) all laws that require or regulate planning or zoning;
 - (f) any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service;
 - (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments;
 - (h) Title 70, chapters 30 and 31.
- (6) These provisions are a prohibition on the self-government unit acting other than as provided.
- (7) (a) Notwithstanding the provisions of subsection (1)(g) and except as provided in subsection (3)(b), self-governing local government units are not subject to the mill levy limits established by state law.
 - a. (b) The provisions of 15-10-420 apply to self-governing local government units.