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**RESOLUTION 2022-02**

## CLARIFICATION OF MCA 7-5-121

It is the intent of the Montana Association of Counties to clarify that MCA 7-5-121 does not apply to land use authorities or limit the enforcement of land use zoning regulations.

**WHEREAS** MCA 7-5-121(2) states that Resolutions may not:

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

**WHEREAS** the legislature codified House Bill 257 in 2021 into MCA 7-5-121(2) in response to the covid pandemic; and

**WHEREAS** the intent of the bill sponsor was for this to prevent mask mandates and vaccination requirements from interfering with a customer’s access to businesses; and

**WHEREAS** the bill sponsor has stated it was not to apply to land use regulations; and

**WHEREAS** application of this statute to land use regulations is detrimental to counties and removes enforceability of long-standing zoning districts.

**NOW, THEREFORE BE IT RESOLVED** that the Montana Association of Counties will seek to clarify that MCA 7-5-121 does not apply to land use authorities or limit the enforcement of land use zoning regulations.

<b>SPONSOR:</b>	GALLATIN COUNTY
<b>REFERRED TO:</b>	HEALTH & HUMAN SERVICES COMMITTEE (HHS); AND LAND USE, PLANNING & DEVELOPMENT COMMITTEE (LUPD)
<b>ADOPTED:</b>	ANNUAL CONFERENCE – SEPTEMBER 28, 2022