

THE MINUTES OF THE MEETING OF THE AGRICULTURE COMMITTEE
February 20, 1981

The meeting was called to order by CHAIRMAN CARL SMITH Friday, February 20, 1981 at 12:30 p.m. in room 431 of the Capitol.

Roll call was taken and all members were present but REPRESENTATIVE McLANE. REPRESENTATIVES ROUSH, BENGTSON, UNDERDAL, BRIGGS AND ELLERD were excused.

HOUSE BILL 777, presented by sponsor REPRESENTATIVE DONALDSON, is "AN ACT TO PRESERVE AGRICULTURAL LANDS BY PERMITTING A PUBLIC BODY TO ACQUIRE A CONSERVATION EASEMENT IN VIABLE AGRICULTURAL LANDS; TO INCLUDE PRESERVATION OF AGRICULTURAL LANDS WITHIN THE PURPOSES OF CONSERVATION DISTRICTS". (EXHIBIT A)

This bill was introduced due to the subdivisions that are moving into agriculture space.

RAY BECK, of Montana Association of Conservation Districts, was presented as a proponent, and presented a handout (EXHIBIT B) addressing the need for this bill as far as agriculture rights, but does not address funding for this use. They have suggested four minor changes:

Page 3, line 15, recommends after the word "organization" to put in "or conservation districts" and

Page 5, line 11, add to the end of the sentence "and preservation of viable farm land";

Page 8, line 6, recommends that "highly" be deleted;

Page 17, line 5, recommends that the word "otherwise" be deleted.

and with these recommendations asks that HOUSE BILL 777 'Do Pass'.

HERB KOENIG of Kalispell, Montana, and representing Flathead Conservation District, made a statement as a proponent. He stated that he would like to show where this started from, and said it started in the resolution that went into the area conservation district convention in western Montana and from there into the State Conservation District Convention and ended up in this Committee.

Mr. Koenig stated that in the area where he is from, it is a beautiful and recreational area, and thus putting pressure on the agricultural people. There is pressure to sell and and there are problems in farming now, one being that the complaints from the subdivisions are causing the farmers difficulties as far as spraying their crops, which they must

do. There has been about 18 work shops in Montana.

HENRY FICKERN, Kalispell, Montana, also spoke in favor of HOUSE BILL 777. Mr. Ficken is the Chairman of the Flathead County Planning Board. He said that their county is the fastest growing county in the State of Montana. They decided to form an agriculture zone and the commissioners approved this. They did neglect a technicality that allowed an individual to join this zone, then withdrew. This case went to the Supreme Court and the person that withdrew, won his case due to the technicalities. He stated that this bill could help solve all of these problems.

ANN SCOTT, representing Farmers Union and Montana Grange, made the statement that this is not a zoning bill. This bill allows a person to place his land in an agriculture classification for the future so the individual can accept a tax break. It was suggested, that on page 14, line 24, to put in, after "purchased by" the words "or donations to"; and on page 17, line 5, after "take over, by purchase, lease," and "or receive from donation".

JO BRUNNER, representing W.I.F.E. (Women Involved in Farm Economics) (EXHIBIT C), spoke as a proponent in favor of HOUSE BILL 777.

LUCIANNE BRIGER, E.I.C., addressed the problem of the loss of lands, and expressed the wording on page 6, line 21 and 22.

DAVID ADKISSON, expressed his ideas on the bill and that he supports the concepts of this bill, (EXHIBIT D)

RUTH SJELVIK, Helena, Montana, representing herself, spoke and endorsed HOUSE BILL 777.

There being no Opponents, REPRESENTATIVE GENE DONALDSON closed on this bill and said that he would accept all suggested amendments, but resists to some degree, the one that takes out the water and mineral rights. Because you are telling people what they can do, zoning is a very difficult process. REPRESENTATIVE DONALDSON asked for the support of the Committee on HOUSE BILL 777.

The meeting was opened for Discussion.

REPRESENTATIVES ELLERD and BENGTON have joined the meeting.

REPRESENTATIVE CONROY asked Ms. Briger from the E.I.C., if she did not realize that the water and mineral rights are what could possibly keep the dry land farmer from going broke.

Ms. BRIGER stated that they believed in some cases the development of land could endanger the agriculture the use of said land.

LES PETERSON, Montana Land Reliance, said funding could possible come from real estate tax that could be placed on agriculture land, used by the conservation districts or individual conservation districts.

There is an actual monetary value placed on an easement after it has gone into effect. A certified land appraiser sets up a monetary value on the conservation easement. According to the federal tax laws, that person will be eligible to receive a deduction in income tax and state tax.

The bill would make the state law compatable with federal laws.

THE MEETING was called into EXECUTIVE SESSION:

REPRESENTATIVE LUND directed the Committee to the fact that he wants HOUSE BILL 640 to stay as he originally stated, but that he has amendments if they decide to go to the Board of Housing and complete the substitute Bill.

DR. CROWLEY, Director of Research with A. T. Murray & Co., stated his background as a farmer, researcher, teacher at the University and a farm real estate agent. He suggested that, in keeping up with land values, the \$50,000 net worth limitation could cut out alot of deserving farmers for this loan. He said assume that a person had a 20 acre operation, all paid for; if the cattle ranch sells at \$2500 an animal unit, that would be \$50,000 net worth.

It was suggested that this amount be increased to \$150,000 of net worth. Also, recognize that you could borrow from the Land Bank twice as much if you have a 180 unit operation than if you had a 60 unit operation to start out with.

REPRESENTATIVE ELLERD asked about limitations to strictly young farmers, indicating that there are alot of young people looking to get into business.

REPRESENTATIVE LUND stated that there are several Bills in the Legislature, but he does not want "agriculture" to get mixed up with "other business".

A question was asked by REPRESENTATIVE HOLLIDAY about the rule on page 19, line 2, stating that the young person buying equity must be earning one-half of his income off the land. Representative Holliday indicated that some young people are earning more than half of their income from another source in order to put it into equity.

The various bills coming up that address similar action were discussed.

REPRESENTATIVE CONROY MOVED that the amendments to H.B. 640 (ATTACHED) to change \$150,000 to \$100,000 be approved. MOTION PASSED with REPRESENTATIVE ELLERD voting NO.

REPRESENTATIVE FEDA made a MOTION that HOUSE BILL 640 do pass as amended. MOTION PASSED with REPRESENTATIVE ELLERD REPRESENTATIVE ROBBINS voting NO.

REPRESENTATIVE SCHULTZ made a MOTION that HJR 16 do pass. MOTION CARRIED UNANIMOUSLY.

The amendments to H.B. 777, proposed by the conservation districts, were MOVED by REPRESENTATIVE CONROY. MOTION PASSED.

REPRESENTATIVE SCHULTZ made a MOTION for the amendment putting potatoes under the vegetable rather than the grain category. MOTION PASSED.

REPRESENTATIVE HOLLIDAY MOVED that the amendments on page 14, line 25 and page 17, line 5, do pass. MOTION PASSED.

REPRESENTATIVE CONROY MOVED that House Bill 777 do pass as amended. MOTION PASSED AS AMENDED with REPRESENTATIVE ELLERD and REPRESENTATIVE ROBBINS voting NO.

REPRESENTATIVE ELLERD made a MOTION that H.B. 345 'do pass'. A roll call vote was taken:

Smith	Yes	Briggs	excused	Holliday	No
Schultz	No	Underdal	excused	Roush	No
Ernst	No	McLane	excused	Conroy	Yes
Jensen	No	Manuel	No		
Ellerd	Yes	Bengtson	No		
Ryan	No	Jacobsen	No		
Feda	No	Robbins	Yes		

MOTION FAILED.

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REPRESENTATIVE SCHULTZ MOVED that HOUSE BILL 345 'do not pass'.
Roll call vote was taken.

Smith	Yes	Underdal	Excused	Conroy	Yes
Schultz	No	McLane	Excused		
Ernst	No	Manuel	No		
Jensen	No	Bengtson	No		
Ellerd	Yes	Jacobsen	No		
Ryan	No	Robbins	Yes		
Feda	No	Holliday	No		
Briggs	Excused	Roush	No		

REPRESENTATIVE SCHULTZ MOVED that the Statement of Intent
for HOUSE BILL 640 be adopted. MOTION PASSED.

REPRESENTATIVE ELLERD requested a Minority Report on H.B. 345.

The meeting adjourned at 2:00 p.m.



CARL SMITH, CHAIRMAN

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1
2 INTRODUCED BY House Bill No. 777
3 Donaldea Kuch

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PRESERVE
5 AGRICULTURAL LANDS BY PERMITTING A PUBLIC BODY TO ACQUIRE A
6 CONSERVATION EASEMENT IN VIABLE AGRICULTURAL LANDS; TO
7 INCLUDE PRESERVATION OF AGRICULTURAL LANDS WITHIN THE
8 PURPOSES OF CONSERVATION DISTRICTS; AMENDING SECTIONS
9 76-6-101 THROUGH 76-6-104, 76-6-106, 76-6-203, 76-15-101,
10 76-15-402, AND 76-15-403, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 76-6-101, MCA, is amended to read:
14 "76-6-101. Short title. This chapter may be cited as
15 the "Open-Space and Agricultural Land and Voluntary
16 Conservation Easement Act".

17 Section 2. Section 76-6-102, MCA, is amended to read:

18 "76-6-102. Findings and policy. The legislature finds
19 that:

20 (1) the rapid growth and spread of urban development
21 are creating critical problems of service and finance for
22 the state and local governments;

23 (2) the present and future rapid population growth in
24 urban areas is creating severe problems of urban and
25 suburban living;

(3) this population spread and its attendant
development are disrupting and altering the remaining
natural areas, biotic communities, and geological and
geographical formations and thereby providing the potential
for the destruction of scientific, educational, aesthetic,
and ecological values;

(4) this scattered development is extending into good
farm areas and results in farm use restrictions, rising farm
taxes, and rising hopes for speculative gains, which
discourages investment in farm improvements;

(5) the present and future rapid population spread
throughout the state of Montana into its open spaces is
creating serious problems of lack of open space and
overcrowding of the land and placing many of the viable
agricultural lands in jeopardy of being lost for any
agricultural purposes;

(6) to lessen congestion and to preserve viable
agricultural land and natural, ecological, geographical, and
geological elements, the provision and preservation of
open-space lands are necessary to secure park, recreational,
historic, and scenic areas; and to conserve the land, its
biotic communities, its natural resources, and its
geological and geographical elements in their natural state;
and to conserve and encourage the development and
improvement of its agricultural lands for the production of

1 food and other agricultural products;

2 ~~(b)(1)~~ the acquisition or designation of interests and
 3 rights in real property by certain qualifying private
 4 organizations and by public bodies to provide or preserve
 5 open-space land and and viable agricultural land is essential to
 6 the solution of these problems, the accomplishment of these
 7 purposes, and the health and welfare of the citizens of the
 8 state;

9 ~~(b)(2)~~ the exercise of authority to acquire or
 10 designate interests and rights in real property to provide
 11 or preserve open-space land and and viable agricultural land and
 12 the expenditure of public funds for these purposes would be
 13 for a public purpose; and

14 ~~(b)(3)~~ the statutory provision enabling certain
 15 qualifying private organizations to acquire interests and
 16 rights in real property to provide or preserve open-space
 17 land and and viable agricultural land is in the public
 18 interest."

19 Section 3. Section 76-6-103, MCA, is amended to read:
 20 "76-6-103. Purposes. In accordance with the findings
 21 in 76-6-102, the legislature states that the purposes of
 22 this chapter are to:

23 (1) authorize and enable public bodies and certain
 24 qualifying private organizations voluntarily to provide for
 25 the preservation of native plants or animals, biotic

1 communities, or geological or geographical formations of
 2 scientific, aesthetic, or educational interest;

3 (2) provide for the preservation of other significant
 4 open-space land or viable agricultural land anywhere in the
 5 state either in perpetuity or for a term of years; and

6 (3) encourage private participation in such a program
 7 by establishing the policy to be utilized in determining the
 8 property tax to be levied upon the real property which is
 9 subject to the provisions of this chapter."

10 Section 4. Section 76-6-104, MCA, is amended to read:
 11 "76-6-104. Definitions. The following terms whenever
 12 used or referred to in this chapter shall have the following
 13 meanings unless a different meaning is clearly indicated by
 14 the context:

15 (1) "Agricultural production" means the production for
 16 commercial purposes of all crops, livestock, and livestock
 17 products, including but not limited to the following:

18 (a) field crops, including corn, wheat, oats, rye,
 19 barley, hay, and potatoes;

20 (b) fruits, including apples, peaches, cherries, and
 21 berries;

22 (c) vegetables, including tomatoes, snap beans,
 23 cabbage, carrots, beets, and onions;

24 (d) horticultural specialties, including ornamental
 25 shrubs, trees, and flowers;

1 (el) livestock and livestock products, including
 2 cattle, sheep, hogs, goats, horses, hams, ducks, fur-bearing
 3 animals, milk, butter, cheese, meat, eggs, and furs, and
 4 (fl) beekeeping.

5 (f)(12) "Comprehensive planning" means planning for
 6 development and shall include:

7 (a) preparation of general physical plans with respect
 8 to the pattern and intensity of land use and the provision
 9 of public facilities, including transportation facilities,
 10 together with long-range fiscal plans for such development
 11 as a guide for long-range development;

12 (b) programming and financing plans for capital
 13 improvements;

14 (c) coordination of all related plans and planned
 15 activities at both the intragovernmental and
 16 intergovernmental levels; and

17 (d) preparation of regulatory and administrative
 18 measures in support of the foregoing.

19 (f)(13) "Conservation easement" means an easement or
 20 restriction, running with the land and assignable, whereby
 21 an owner of land voluntarily relinquishes to the holder of
 22 such easement or restriction any or all rights to construct
 23 improvements upon the land or to substantially alter the
 24 natural character of the land or to permit the construction
 25 of improvements upon the land or the substantial alteration

1 of the natural character of the land, except as this right
 2 is expressly reserved in the instruments evidencing the
 3 easement or restriction.

4 (4) "Development of agricultural land" means to
 5 develop, construct on, sell, lease, or otherwise improve the
 6 agricultural land for uses that result in rendering such
 7 land no longer agricultural land, but does not include:

8 (a) improvements to agricultural land to preserve,
 9 maintain, operate, or continue such land as agricultural
 10 land, including but not limited to construction thereon of
 11 residences for persons directly incidental to farm
 12 operation, buildings for animals, roadside stands and farm
 13 markets for sale of products, facilities for the storing of
 14 equipment and products or processing thereof, or such other
 15 improvements, activities, and uses thereon as may be
 16 directly or incidentally related to the operation of the
 17 agricultural enterprise;

18 (b) extraction of gravel or like natural elements for
 19 purposes directly or incidentally related to the operation
 20 of the agricultural enterprise; or

21 (c) use of the existing water and mineral rights,
 22 exclusive of gravel, of the fee owner.

23 (f)(15) "Open-space land" means any land which is
 24 provided or preserved for:

25 (a) for park or recreational purposes;

1 (b) for conservation of land or other natural
2 resources;

3 (c) for historic or scenic purposes; or

4 (d) assisting to assist in the shaping of the
5 character, direction, and timing of community development;
6 or

7 (e) as viable agricultural land.

8 (a) "Owner" means any person, corporation,
9 partnership, trust, municipal corporation, or public utility
10 or any other private or public entity that is the fee simple
11 owner of agricultural land or that, by operation of law, has
12 the power to exercise the rights of a fee simple owner.

13 (b) "Public body" means the state, counties,
14 cities, towns, and other municipalities, and conservation
15 districts.

16 (c) "Qualified private organization" means a
17 private organization:

18 (a) competent to own interests in real property;

19 (b) which qualifies and holds a general tax exemption
20 under the federal Internal Revenue Code, section 501(c); and
21 (c) whose organizational purposes are designed to
22 further the purposes of this chapter.

23 (d) "Urban area" means any area which is urban in
24 character, including surrounding areas which form an
25 economic and socially related region, taking into

1 consideration such factors as present and future population
2 trends and patterns of urban growth, location of
3 transportation facilities and systems, and distribution of
4 industrial, commercial, residential, governmental,
5 institutional, and other activities.

6 (10) "Viable agricultural land" means land highly
7 suitable for agricultural production that will continue to
8 be economically feasible for such use if real estate taxes,
9 farm use restrictions, and speculative activities are
10 limited to levels approximating those in commercial
11 agricultural areas not influenced by the proximity of urban
12 and related nonagricultural development."

13 Section 5. Section 76-6-106, MCA, is amended to read:
14 "76-6-106. Acquisition and designation of real
15 property by public body. (1) To carry out the purposes of
16 this chapter, any public body may:

17 (a) acquire by purchase, gift, devise, bequest, or
18 grant title to or any interests or rights in real property,
19 including land and water, that will provide a means for the
20 preservation or provision of significant open-space land or
21 viable agricultural land or the preservation of native
22 plants or animals, biotic communities, or geological or
23 geographical formations of scientific, aesthetic, or
24 educational interest, or both;

25 (b) designate any real property, including land and

1 water, in which it has an interest to be retained and used
 2 for the preservation and provision of significant open-space
 3 land or viable agricultural land or the preservation of
 4 native plants or animals, biotic communities, or geological
 5 or geographical formations of scientific, aesthetic, or
 6 educational interests, or both.

7 (2) In addition to those in subsection (1), the
 8 factors to be considered by the public body in deciding
 9 whether to make such an acquisition or designation of
 10 agricultural land are:

11 (a) the probability that the land will be sold for
 12 nonagricultural purposes;

13 (b) the degree to which it may be considered viable
 14 agricultural land;

15 (c) the degree to which such acquisition would
 16 contribute to preservation of the agricultural potential of
 17 the state; and

18 (d) the cost of acquiring the easement."

19 Section 6. Section 76-6-203, MCA, is amended to read:
 20 "76-6-203. Types of permissible easements. Easements
 21 or restrictions under this chapter may prohibit or limit any
 22 or all of the following:

23 (1) structures--construction or placing of buildings,
 24 camping trailers, house trailers, mobile homes, roads, signs,
 25 billboards or other advertising, utilities, or other

1 structures on or above the ground;

2 (2) landfill--dumping or placing of soil or other
 3 substance or material as landfill or dumping or placing of
 4 trash, waste, or unsightly or offensive materials;

5 (3) vegetation--removal or destruction of trees,
 6 shrubs, or other vegetation;

7 (4) loam, gravel, etc.--excavation, dredging, or
 8 removal of loam, peat, gravel, soil, rock, or other material
 9 substance;

10 (5) surface use--surface use except for such purposes
 11 permitting the land or water area to remain predominantly in
 12 its existing condition;

13 (6) acts detrimental to conservation--activities
 14 detrimental to drainage, flood control, water conservation,
 15 erosion control, soil conservation, or fish and wildlife
 16 habitat and preservation;

17 (7) subdivision of land--subdivision of land as
 18 defined in 76-3-103, 76-3-104, and 76-3-202;

19 (8) other acts--other acts or uses detrimental to such
 20 retention of land or water areas in their existing
 21 conditions;

22 (9) development of agricultural land--development of
 23 agricultural land as defined in Section 41."

24 Section 7. Section 76-15-101, MCA, is amended to read:
 25 "76-15-101. Legislative determinations. It is hereby

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1 declared, as a matter of legislative determination:

2 (1) that the farm and grazing lands of the state of
 3 Montana are among the basic assets of the state and that the
 4 preservation of these lands is necessary to protect and
 5 promote the health, safety, and general welfare of its
 6 people; that improper land use practices have caused and
 7 have contributed to and are now causing and contributing to
 8 a progressively more serious erosion of the farm and grazing
 9 lands of this state by wind and water; that the breaking of
 10 natural grass, plant, and forest cover has interfered with
 11 the natural factors of soil stabilization, causing loosening
 12 of soil and exhaustion of humus and developing a soil
 13 condition that favors erosion; that the topsoil is being
 14 blown and washed out of fields and pastures; that there has
 15 been an accelerated washing of sloping fields; that these
 16 processes of erosion by wind and water speed up with removal
 17 of absorptive topsoil, causing exposure of less absorptive
 18 and less protective but more erosive subsoil; that failure
 19 by any land occupier to conserve the soil and control
 20 erosion upon his lands causes a washing and blowing of soil
 21 and water from his lands onto other lands and makes the
 22 conservation of soil and control of erosion on such other
 23 lands difficult or impossible;

24 (2) that the consequences of such soil erosion in the
 25 form of soil blowing and soil washing are the silting and

1 sedimentation of stream channels, reservoirs, dams, and
 2 ditches; the loss of fertile soil material in dust storms;
 3 the piling up of soil on lower slopes and its deposit over
 4 alluvial plains; the reduction in productivity or outright
 5 ruin of rich bottom lands by overwash of poor subsoil
 6 material, sand, and gravel swept out of the hills;
 7 deterioration of soil and its fertility, deterioration of
 8 crops and range cover grown thereon, and declining acre
 9 yields despite development of scientific processes for
 10 increasing such yields; loss of soil and water which causes
 11 destruction of food and cover for wildlife; a blowing and
 12 washing of soil into streams which silts over spawning beds
 13 and destroys water plants, diminishing the food supply of
 14 fish; a diminishing of the underground water reserve, which
 15 causes water shortages, intensifies periods of drought, and
 16 causes crop and range vegetation cover failures; and
 17 increase in the speed and volume of rainfall runoff, causing
 18 severe and increasing floods which bring suffering, disease,
 19 and death; impoverishment of families attempting to operate
 20 eroding and eroded lands; damage to roads, highways,
 21 railways, farm buildings, and other property from floods and
 22 from dust storms; and losses in municipal water supply,
 23 irrigation developments, farming, and grazing;

24 (3) that to conserve soil resources and control and
 25 prevent soil erosion and prevent floodwater and sediment

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1 damages and further the conservation, development,
 2 utilization, and disposal of water, it is necessary that
 3 land use practices contributing to soil wastage and soil
 4 erosion be discouraged and discontinued and appropriate
 5 soil-conserving land use practices and works of improvement
 6 for flood prevention and the conservation, development,
 7 utilization, and disposal of water be adopted and carried
 8 out; that among the procedures necessary for widespread
 9 adoption are the carrying on of engineering operations such
 10 as the construction of water spreaders, terraces, terrace
 11 outlets, check dams, desilting basins, floodwater retarding
 12 structures, channel improvements, floodways, land drainage,
 13 dikes, ponds, ditches, and the like; the utilization of
 14 strip cropping, lister furrowing, contour cultivating, and
 15 contour furrowing; land drainage; land irrigation; seeding
 16 and planting of waste, sloping, abandoned, or eroded lands
 17 to water-conserving and erosion-preventing plants, trees,
 18 and grasses; forestation and reforestation; rotation of
 19 crops, restriction of number of livestock grazed, deferred
 20 grazing, rodent eradication; soil stabilization with trees,
 21 grasses, legumes, and other thick-growing, soil-holding
 22 crops; retardation of runoff by increasing absorption of
 23 rainfall; and retirement from cultivation of steep, highly
 24 erosive areas and areas now badly gullied or otherwise
 25 eroded;

1 (4) that agricultural lands in many portions of the
 2 state are under pressure from expanding urban areas or
 3 residential development in agricultural areas. This urban
 4 pressure takes the form of scattered development in wide
 5 belts around urban areas, brings conflicting land uses into
 6 juxtaposition, and stimulates land speculations. When this
 7 scattered development extends into good farm areas,
 8 ordinances inhibiting farming tend to follow and hopes for
 9 speculative gains discourage investment in farm
 10 improvements. Many of the agricultural lands in Montana are
 11 in jeopardy of being lost for any agricultural purposes.
 12 Certain of these lands constitute unique and irreplaceable
 13 land resources of statewide importance. In order to conserve
 14 and encourage the development and improvement of
 15 agricultural lands for the production of food and other
 16 agricultural products, to provide a smooth, voluntary
 17 process for farmers and ranchers to ensure the sound
 18 maintenance of their agricultural communities, to provide
 19 taxation relief for agricultural landowners, and to protect
 20 productive agricultural lands from land speculation and
 21 development pressures, it is necessary to provide a means by
 22 which agricultural land may be protected and enhanced as an
 23 important segment of the state's economy and as an economic
 24 and environmental resource of major importance. Purchase by
 25 the conservation district of conservation easements under

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1 ~~Article 76a, chapter 6, is among the means available to~~
2 ~~accomplish this goal."~~

3 Section 8. Section 76-15-402, MCA, is amended to read:

4 "76-15-402. Development of soil and water conservation
5 plans. A conservation district and the supervisors thereof
6 shall have the power to:

7 (1) develop comprehensive plans for the conservation
8 of ~~viable agricultural land and~~ soil resources and for the
9 control and prevention of soil erosion and for flood
10 prevention and conservation, development, utilization, and
11 disposal of water within the district, which plans shall
12 specify in such detail as may be possible the acts,
13 procedures, performances, and avoidances which are necessary
14 or desirable for the effectuation of such plans, including
15 the specification of engineering operations, range
16 management, methods of cultivation, the growing of
17 vegetation, cropping, range programs, tillage and grazing
18 practices, and changes in use of land; and

19 (2) publish such plans and information and bring them
20 to the attention of occupiers of lands within the district."

21 Section 9. Section 76-15-403, MCA, is amended to read:

22 "76-15-403. Operation of projects and works. A
23 conservation district and the supervisors thereof shall have
24 the power to:

25 (1) conduct agricultural land, soil, vegetation, and

1 water resources conservation projects on lands within the
2 districts upon obtaining the consent of the owner of such
3 lands or the necessary rights or interest in such land;

4 (2) carry out preventive and control measures and
5 works of improvement for flood prevention and the
6 conservation, development, utilization, and disposal of
7 water within the district, including but not limited to
8 engineering operations, range management, methods of
9 cultivation, the growing of vegetation, changes in use of
10 land, and the measures listed in 76-15-101(3) on lands owned
11 or controlled by this state or any of its agencies with the
12 cooperation of the agency administering and having
13 jurisdiction thereof and on any other lands within the
14 district upon obtaining the consent of the occupier of such
15 lands or the necessary rights or interests in such lands;

16 (3) cooperate or enter into agreements with and,
17 within the limits of appropriations duly made available to
18 it by law, furnish financial or other aid to any agency,
19 governmental or otherwise, or any occupier of lands within
20 the district in the carrying on of erosion control and
21 prevention operations, works of improvement for flood
22 prevention, and the conservation, development, utilization,
23 and disposal of water within the district, subject to such
24 conditions as the supervisors may deem necessary to advance
25 the purposes of this chapter;

1 (4) construct, improve, operate, and maintain such
 2 structures as may be necessary or convenient for the
 3 performance of any of the operations authorized in this
 4 chapter;

5 (5) take over, by purchase, lease, or otherwise, and
 6 administer any agricultural land conservation, soil
 7 conservation, flood prevention, drainage, irrigation, water
 8 management, erosion control, or erosion prevention project,
 9 or combinations thereof, located within its boundaries
 10 undertaken by the United States or any of its agencies or by
 11 this state or any of its agencies; manage, as agent of the
 12 United States or any of its agencies or of this state or any
 13 of its agencies, any agricultural land conservation, soil
 14 conservation, flood prevention, drainage, irrigation, water
 15 management, erosion control, or erosion prevention project,
 16 or combination thereof, within its boundaries; act as agent
 17 for the United States or any of its agencies or for this
 18 state or any of its agencies in connection with the
 19 acquisition, construction, operation, or administration of
 20 any agricultural land conservation, soil conservation, flood
 21 prevention, drainage, irrigation, water management, erosion
 22 control, or erosion prevention projects, or combination
 23 thereof, within its boundaries; accept donations, gifts, and
 24 contributions in money, services, materials, or otherwise
 25 from the United States or any of its agencies or from this

-End-



Montana Association Of Conservation Districts

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American farmland, an asset more valuable than all the oil in Saudi Arabia, is vanishing at what many experts see as an alarming rate.

Studies indicate that about 12 square miles of U.S. farmland each day are being paved over for parking lots and highways, subdivided for homes, factories and shopping centers, flooded to form reservoirs or converted to other uses. That adds up to a loss of 3 million acres a year, 1 million of which are considered prime agricultural land.

At least 43 states now require that farmland be assessed for property taxes at its agricultural value rather than for more lucrative purposes. These laws are designed primarily to help farmers near urban areas whose land otherwise would be taxed for its value as sites for commercial buildings rather than for growing food. In some areas, zoning laws have been amended to protect farmland from commercial development. New York State, for example, has special agriculture districts that provide tax breaks for farmers who agree not to sell their land to developers. If a farmer does sell to a developer, he must pay five years of back taxes on the land's market value.

Other localities are purchasing "development rights" by paying farmers near urban areas the difference between the land's fair market value and its agricultural value. Suffolk County on New York's Long Island has budgeted 60 million dollars to purchase development rights from local farmers.

It is the policy of the Montana State Legislature to preserve, protect and improve prime and important agriculture lands as the primary base for the production of food, fiber, and renewable energy.

It should be the duty of county government to carry out the state policy by not granting permits for development of nonagricultural projects on prime and important farm lands when alternatives exist for the development on less productive land.

HB 777 is an attempt to make it possible for conservation districts to purchase development rights from individuals who prefer to have their land stay in an agricultural status. It would not be mandatory in any way but just an avenue for a farmer or rancher to obtain the market value for his property without selling to a nonagricultural use.

One problem not addressed in HB 777 is funding for this process. It would be necessary for Conservation Districts to make applications to state or federal sources for funds authorized for this use.


Ray Beck
Executive Vice President

NAME Jo Brunner BILL No. 777
 ADDRESS Helena DATE 2/20
 WHOM DO YOU REPRESENT W.I.F.E
 SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: The members of our organization have been concerned with the problem of urban sprawl - and with any type of development that loses valuable agriculture acres to other uses.

We recognize the need for that sprawl & development, but that does not ease our concern.

We have had, in the past, problems with other bills addressing this situation because of the mandatory inclusion of a percentage of those involved, - funding of the programs - act.

Our organization operates within a structure that includes membership participation - because of that we cannot offer our unqualified support.

However we do feel this bill comes close - ~~to~~ ⁱⁿ ^{any way} ^{we have studied} ^{in covering} the areas we consider necessary in such a program that ~~will~~ ^{addresses} this increasingly serious problem.

NAME David B. Adkisson BILL NO. HB 777
 ADDRESS 237 1/2 E Front Apt E Missoula DATE 20 Feb 81
 WHOM DO YOU REPRESENT Self
 SUPPORT concept of the bill OPPOSE _____ AMEND _____
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support the general concept in this bill. I have not had the time to thoroughly analyze it for small problems. I am exceedingly worried about the loss of soils in this country and the world. We cannot afford to waste this precious resource. I was raised on a farm in Illinois and farmed myself for a time. I now live in Missoula and am concerned with the little prime and important ag soils this area has. Subdivision is a very big problem in Missoula and other parts of western Montana. Individuals who would like to remain and would like to engage in agriculture (for example truck farmers growing vegetable produce) need every opportunity available to try and make a good economic go of it. This bill offers some of many in potential mechanisms for doing this. Only 19% of the land in Missoula County is available for private ownership. Only .9% of Missoula County is categorized as prime soils & 1.1% as important farmland. Currently 20% of the prime soils are subdivided and 12% of the important farmlands are subdivided in Missoula County. People need alternatives to growing houses. Society at large would benefit from the growing of food locally. The Missoula area is needed to grow vast quantities of produce. As energy cost & hence ~~production~~ transportation costs grow higher we will need that food production potential close

NAME Henry L. Ficken BILL No. 777

ADDRESS 710 W. Somers Rd. DATE 2-20-81

WHOM DO YOU REPRESENT _____

SUPPORT ☒ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

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COMMITTEE

Date 2-20-81

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

	Date: 2/20 No: 345 (Ellerd)	Date: No:	Date: No:	Date: No:	Date: No:	Date: No:
SMITH, Chairman	Yes					
SCHULTZ, Vice Chairman	No					
ERNST	No					
JENSEN	No					
ELLERD	Yes					
RYAN	No					
FEDA	No					
BRIGGS	absent					
UNDERDAL	absent					
MC LANE	absent					
MANUEL	No					
BENGTSON	No					
JACOBSEN	No					
ROBBINS	Yes					
HOLLIDAY	No					
ROUSH	No					
CONROY	Yes					