

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 9, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 9, 1983, at 1:00 p.m. in Room 402, State Capitol.

ROLL CALL: Roll was called with all members present.

A slide show on the Montana School for the Deaf and Blind (MSDB) was presented by a group representing the School and the Project for Advanced Childhood Education (PACE) at C.M. Russell High School in Great Falls. Melinda Reichelt and Pam Threlkeld from C.M.R. and Jenny Sue Yost and Lisa Deming from MSDB explained the slide show was developed by five members of the PACE class over a year's time. Much time was spent at the School meeting the students and the programs offered. The slide show was well thought out and included curricular and extracurricular activities at the School as well as capturing the heartwarming human side of the program. Chris Dawson, an instructor at MSDB and Robert Deming, Superintendent of the School, accompanied the group. The committee was very impressed with the program and the talents of those who developed it.

SENATE BILL 308: Senator Regan, District 31, sponsor, introduced the bill which would make it feasible for Montana to nominate historically significant districts to the National Register of Historic Places and give Montana owner consent requirements that duplicate those federal statutes.

PROPONENTS

Robert Archibald, Montana Historical Society, presented his testimony in support of the bill (exhibit #1).

Margaret Davis, Helena, spoke in support of the bill (exhibit #2).

Janet Cornish, Director, Butte-Silverbow Urban Revitalization Agency, spoke in support of the bill (exhibit #3).

Randy Thoreson, representing the Montana Association of Planners, stated he supports the intent and the language of the bill and concurs with the previous testimony.

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James R. McDonald, a Missoula architect, stated he is currently working with three investor groups who are looking at places in Montana. He noted the existence of historical preservation records does not take away any property rights until the owner takes advantage of the tax or financial incentives. He urged the committee to support the bill as investors looking at investing in buildings in Montana with tax credits can get concurrence faster with the changes in this bill.

Tom K. Hopgood, representing AMAX Exploration, said he supports the amendments as property values will rise without them and in its present form abuses could be eliminated.

Joseph F. Shevlin, a private investor and CPA from Helena, stated he is quite involved in rehabilitation of certified historical buildings and finds its feasible to rehabilitate only because of investment tax credits.

J. D. Holmes, representing Montana Arts Advocacy, said he supports the bill with the amendments.

David Nelson, Executive Director, Montana Arts Council, said he supports cultural trends in regulations re economic development. He stated he felt companies are most interested in these provisions as a prerequisite to locating in Montana.

There being no opponents to the bill, Senator Regan closed.

SENATE BILL 297: Senator Hammond, District 3, stated the bill provides for a solution to the problem encountered when parents own property in two school districts, one where they reside and the other where their child attends school. It provides for a decrease of the amount of tuition in the district of residence by the amount of taxes paid on the property in the district where the child attends school.

PROPOSERS

Wayne Buchanen, representing the Montana School Boards Association, stated support for the bill.

Gary Steuerwald, representing the Office of Public Instruction, stated support for the bill but felt a statement of intent was needed to clarify the tuition for the family as a whole or for each individual child in a family.

There being no further proposers and no opponents, Senator Hammond closed.

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EXECUTIVE SESSION

SENATE BILL 253 SENATE BILL 331 The committee discussed the bills and the issue of combining church schools in the same regulations as private and home schools was debated. Mr. Doug Kelley stated the church schools prefer to be totally separate from home schools.

Senator Berg said he felt the main issue is modifying the bills to include home schools or not.

ACTION ON SENATE BILL 331: Senator McCallum moved Senate Bill 331 DO PASS. The motion FAILED on a roll call vote (exhibit #4).

ADJOURN: There being no further business, the meeting adjourned.



Senator Bob Brown, Chairman

jdr

DATE

Feb 9, 1983

COMMITTEE ON

Education and Cultural Resources

SB 297

SB 308

VISITORS' REGISTER

| NAME | REPRESENTING | BILL # | Check One | |
|-------------------|---------------------------------|----------------|-----------|--------|
| | | | Support | Oppose |
| Tom K Hoggard | AMAX Explor | 308 | ✓ | |
| P. J. Deming | M&D/GT. FALLS | | | |
| PAUL THRELKELD | MS.D.B. GL. FALLS | 308 | | |
| Melinda Kuchelt | MSD.B. Great Falls | | | |
| Lisa Deming | M.S.D.B. Great Falls | | | |
| Jenny Sue Post | M.S.D.B. Great Falls | | | |
| Chris Darrow | Great Falls, School for D.B. | | | |
| Bob Marshall | MT. Hist. Soc. | 308 | ✓ | |
| Marcella Sheaf | MT. Hist. Soc. | 308 | ✓ | |
| Deirda Gangle | Historical Society | 308 | ✓ | |
| Janet Cornish | Butte-Silver Bow Urban | 308 | ✓ | |
| Gandy Thoreson | Montana Association of Planners | 308 | ✓ | |
| LON JOHNSON | MONTANA HISTORICAL SOCIETY | 308 | ✓ | |
| Joseph F. Shulin | SELF | 308 | ✓ | |
| JAMES R. McDonald | SELF | 308 | ✓ | |
| Wayne Buchanan | MSBA | 297 | ✓ | |
| Patricia Dick | Montana Historical Society | 308 | ✓ | |
| Margaret S. Davis | SELF | 308 | ✓ | |
| J. D. Holmes | MT ARTS ADVOCACY | 308 | ✓ | |
| Gary Steuerwald | OPI | 297 | ✓ | |
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ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/4/83

| NAME | PRESENT | ABSENT | EXCUSED |
|--------------------------------------|---------|--------|---------|
| <u>Senator Bob Brown, Chairman</u> | X | | |
| <u>Senator Ed Smith, V. Chairman</u> | X | | |
| <u>Senator Roger Elliott</u> | X | | |
| <u>Senator Delwyn Gage</u> | X | | |
| <u>Senator George McCallum</u> | X | | |
| <u>Senator Elmer Severson</u> | X | | |
| <u>Senator Harry Berg</u> | X | | |
| <u>Senator Chet Blaylock</u> | X | | |
| <u>Senator Jack Haffey</u> | X | | |
| <u>Senator Joseph Mazurek</u> | X | | |
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TO: Senate Committee on Education and Cultural Affairs

FROM: Lee Heiman, Committee Counsel

DATE: February 9, 1983

RE: Summaries of Senate Bills 297 and 308

Senate Bill 297. Provides that tuition to be paid for elementary or high schools shall be reduced based upon property taxes paid in the district the child is attending. Presently such tuition is waived as provided in 20-5-305 (copy attached) for elementary and 20-5-312 (copy attached) for high school.

Senate Bill 308. Provides a method for nominating the creation of an historic district by obtaining a concurrence of a majority of the property owners of the district.

20-5-305. Elementary tuition rates. Whenever a pupil of an elementary district has been granted approval to attend a school outside of the district in which he resides, under the provisions of 20-5-301 or 20-5-302, such district shall pay tuition to the elementary district where the pupil attends school on the basis of the rate of tuition determined by the attended district. The rate of tuition shall be determined by:

(1) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;

(2) dividing the amount determined in subsection (1) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311; and

(3) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of the district permissive levy by the ANB of the district, from the amount determined in subsection (2) above.

History: En. 75-7201 by Sec. 340, Ch. 5, L. 1971; amd. Sec. 2, Ch. 251, L. 1974; R.C.M. 1947, 75-7201.

20-5-306. End-of-term tuition report and notification of resident elementary district. (1) At the close of the school term of each school fiscal year and before July 15, the trustees of each elementary district shall report to the county superintendent:

(a) the names of the pupils attending the schools of the district under an approved tuition agreement with the district of residence of each pupil;

(b) the number of days of school attended by each pupil;

(c) the amount, if any, of each pupil's tuition payment that the trustees, in their discretion, may waive (any waiver of tuition shall be applied equally to all pupils); and

(d) the rate of the current school fiscal year tuition, as determined under the provisions of 20-5-305.

(2) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the county superintendent of each county in which the reported pupils reside. In turn, every county superintendent shall notify each elementary district of his county of the tuition amounts owed to other elementary districts of the county or outside of the county. Such amounts shall be established from the tuition rate and other information reported by the district in which the pupil attended school. No tuition shall be due when a pupil attends less than 40 days of school in such district.

History: En. 75-7202 by Sec. 341, Ch. 5, L. 1971; amd. Sec. 3, Ch. 251, L. 1974; R.C.M. 1947, 75-7202.

20-5-307. Budgeting, levy requirement, and paying elementary tuition. (1) The tuition amount that has been established in 20-5-305 shall be paid during the ensuing school fiscal year. The trustees of the elementary district shall include such amount in the tuition fund of the preliminary budget. If the trustees should fail to include such amount or any portion of it in the preliminary budget, they shall adjust the budgeted amount in adopting the final budget to provide for the total tuition amount that is due during

tuition agreement approval or disapproval. If a tuition agreement is disapproved by the trustees, the parent may appeal such disapproval to the trustees for their reconsideration and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year.

History: En. 75-6316 by Sec. 129, Ch. 5, L. 1971; amd. Sec. 1, Ch. 211, L. 1974; R.C.M. 1947, 75-6316; amd. Sec. 1, Ch. 401, L. 1979.

20-5-312. Reporting, budgeting, and payment for high school tuition. (1) At the close of the school term of each school fiscal year, the trustees of each high school district shall determine the rate of tuition for the current school fiscal year by:

(a) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;

(b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311; and

(c) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of the district permissive levy by the ANB of the district, from the amount determined in subsection (1)(b) above.

(2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is located:

(a) the names, addresses, and resident districts of the pupils attending the schools of the district under an approved tuition agreement;

(b) the number of days of school attended by each pupil;

(c) the amount, if any, of each pupil's tuition payment that the trustees, in their discretion, shall have the authority to waive; and

(d) the rate of current school fiscal year tuition, as determined under the provisions of this section.

(3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the superintendent of each district in which the reported pupils reside.

(4) When the district superintendent receives a tuition report or reports for high school pupils residing in his district and attending an out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county treasurer

of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school feel the transfer privilege provided by this subsection is being abused they may appeal to the county superintendent of schools who shall hold a hearing and either approve or disapprove the transfer.

History: En. 75-6317 by Sec. 130, Ch. 5, L. 1971; amd. Sec. 1, Ch. 251, L. 1974; R.C.M. 1947, 75-6317; amd. Sec. 2, Ch. 401, L. 1979.

20-5-313. Individual tuition for high school pupil. (1) Any child eligible to attend high school may attend school in the high school district in which he resides without payment of tuition.

(2) No provision of this title shall be construed to deny a parent the right to send his child, at his own expense, to any high school outside of his district of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved, the parent shall pay tuition at the rate fixed by the trustees. However, under this section, tuition shall be waived if the parent of the child paid the rate of tuition determined under the provisions of 20-5-312 in district and county property taxes during the immediately preceding school fiscal year for the benefit and support of the district in which the child will attend school.

History: En. 75-6321 by Sec. 134, Ch. 5, L. 1971; R.C.M. 1947, 75-6321; amd. Sec. 3, Ch. 401, L. 1979; amd. Sec. 1, Ch. 249, L. 1981.

Compiler's Comments

1981 Amendment: Added the last sentence in (2).

20-5-314. Reciprocal tuition agreement with adjoining state. (1) The superintendent of public instruction shall have the authority to execute

Exhibit #1
Feb 9, 1983

NAME :

DATE: 5/9/83

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Bob Nesbitt
"An Act to Require Concurrence of a Majority of the Property Owners [and Owners of One-Half of the Property] in a Historic District for Nomination of the District to the National Register of Historic Places, Amending Section 22-3-431, MCA"

This amendment to the Montana State Antiquities Act will make it feasible for Montana to nominate historically significant districts to the National Register of Historic Places. Existing law requires the written concurrence of every owner within a district to seek nomination. Hence, the silence, forgetfulness, or disagreement of a single person may deny district designation to an entire qualifying historic commercial center or neighborhood.

This amendment, in its original form, would give Montana owner consent requirements that duplicate those in Federal statute. At either level, owner consent provisions exist not because Register listing is a legal taking. Unless a private property owner uses Federal preservation tax dollars or tax incentives, he may do anything he wants with his property, including demolition. Owner consent provisions exist to insure that owners are informed of and understand the process and results of Register listing.

Benefits:

Passage of the amendment will offer Montanans a set of preservation/revitalization incentives that its absence denies:

1. Significant collections of historic buildings, along with the owners who have carefully maintained them, can receive deserved attention. Register recognition for historically significant districts fosters pride, public consciousness, and interest that--more than any other incentives--result in good maintenance, an enthusiasm to rehabilitate, a willingness to invest.
2. National Register recognition for districts is especially important to communities who publicize their historic values to tourists. Register designation adds credibility to the claims of historic value in promotional literature. Four Montana communities have used historic districts as the basis for walking tours and walking tour brochures that direct visitors throughout their business sections.
3. Income-producing buildings which contribute to the value of historic districts but would not qualify themselves for the Register become eligible to use the 25% Federal investment tax credit available for substantial rehabilitation work. Since 1979, in Montana, 14 million dollars of rehabilitation work--spurred by Federal preservation tax incentives--has been accomplished. 12½ million dollars of that was spent on buildings in previously listed historic districts.
4. Community pride, visitor promotion, and the availability of substantial preservation tax credits have a demonstrated record for promoting property maintenance and employment that is less likely to occur otherwise.

Exhibit #1
Feb 9, 1983

BRIEFING MATERIAL - Senate Bill 308

"An Act to Require Concurrence of a Majority of the Property Owners [and Owners of One-Half of the Property] in a Historic District for Nomination of the District to the National Register of Historic Places; Amending Section 22-3-431, MCA."

History:

The language of the 1979 Montana Antiquities Act is understood to require that the written concurrence of every property owner is needed before a district nomination may be forwarded to the National Register of Historic Places. Prior to that time, neither Montana law nor Federal law required owner concurrence for National Register listing. In 1980, Federal law was amended to require the concurrence of a majority of property owners within a historic district prior to National Register nomination of that grouping of buildings or area. Most state laws reflect Federal statute. In Montana law, the silence, forgetfulness, or disagreement of a single owner can deny district designation to the entire area. In short, Montana cannot now nominate districts to the National Register unless they are of a very limited size.

Problems resulting from the existing system:

Montana forfeits four major opportunities as a result of the current system:

1. Outstanding collections of earlier buildings and the people who have preserved them in that unusual condition cannot receive national or state recognition for the value of the building collection or the personal preservation efforts.
2. Montana communities lose an important edge in promoting unique collections of historic buildings to tourists as

established, recognized historic districts.

3. Montana businessmen who own historic, commercial structures that contribute to districts (and that cannot be listed individually in the Register) are ineligible to use the 25% Federal investment tax credit that would otherwise be available to them against the costs of substantial property rehabilitation.
4. Hence, Montana communities--especially central business districts--lose reinvestment dollars and redevelopment possibilities.

Since 1979, Montana has not nominated any districts to the National Register of Historic Places. Within the next two months, we may be able to nominate a four-block Red-Lodge Commercial Historic District, as a result of the door-to-door explanations and persuasion of a very articulate Red Lodge historian. However, an additional eight block area of Red Lodge's commercial center qualifies and cannot be submitted given the task of explanation posed by its size. Even within the four block area, we are waiting on a single owner's response. By phone, he has indicated approval of the district, but has not--for six months--"remembered" to return his statement of concurrence.

Benefits of the proposed amendment:

Passage of the amendment will offer Montanans a set of preservation/revitalization incentives that its absence denies:

1. Significant collections of historic buildings, along with the owners who have carefully maintained those structures, can achieve warranted recognition.

This benefit is likely the most important to consider. As we discuss later, National Register listing does offer some opportunity for commercial structures to benefit from Federal tax incentives for preservation work. But the incentives that appear to spark the most vital preservation efforts are praise and pride, generated by official Register listing. That official recognition can be translated into public consciousness, a greater sense of stewardship, publicity, information about property value that can be used in community planning, and educational activities. Those changes in attitude and those opportunities for public discussion and awareness are critical to private preservation work.

2. National Register recognition is especially important to a community in publicizing its historic values to tourists. Tourism is a major Montana industry and one that the state is united in promoting. Historic values rank close to natural features as factors that attract visitors to our state. In advertising its historic resources, the ability of a community to cite National Register listing of a district adds significantly to the validity and believability of the claim. The Register is recognized nationwide and is known to reflect solid historical integrity and research. Listed districts stand--in the public mind--in contrast to inaccurate, commercialized phony re-creations.

3. A significantly greater number of Montana businessmen will have access to Federal tax incentives for the rehabilitation of historic, commercial properties.

An income-producing property listed individually in the National Register of Historic Places or contributing to the value of a listed historic district may be rehabilitated using a 25% investment tax credit against the cost of that substantial rehabilitation effort. Montana tax law further increases that credit. Although many stores and office buildings do qualify by themselves for the Register, many properties--often those that could most use the tax credits--do not. Consider especially buildings where recent "modernization" efforts detract now from the historic and design value of a store. Those properties are not, given the loss of integrity which they have suffered, likely to qualify individually for the Register. They may, however, qualify as contributing to a historic district and can then use the tax incentives for rehabilitation work that will return them to attractive and historically valuable retail space.

4. Hence, when the tax incentives are available--along with well-founded promotion of historic values to visitors--historically significant commercial areas in Montana are far more likely to see growth, business, and employment than may otherwise be possible.

What is a District?

Districts are defined in Federal regulations which govern the operation of the National Register of Historic Places as a Federal program in which states participate. See 36CFR63, guidelines supplementing that:

"A 'district' is a geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements which are separated geographically but are linked by associations or history."

Amending Language proposed after the first drafting:

The language regarding one half of the property which has been added to the original amendment is likely, in many instances, to address the problems we now face under existing law. In most community situations, a majority of property owners will also own a majority of the property. However, as discussed below, the additional language would not appear to be legally necessary to address the concerns of parties who have been interested in the Register program. It does translate into a greater workload in processing nominations.

Concern with the amendment

Opposition to the amendment has come primarily from oil, gas, coal, and hardrock mining companies, concerned that Register listing could impede resource development activities.

Federal regulations which call for the consideration of cultural resources in Federal or Federally permitted actions have been under fire from public agencies and development companies for the last several years. However, the Federal regulations to which agencies and companies object are not triggered by Register listing. They are triggered by a mandate requiring the involved Federal agency or its permittee to identify resources which either are or might be eligible for Register listing. A Federal agency's obligation to consider potential Register eligibility occurs OUTSIDE THE REGISTER LISTING PROCESS and does not address owner consent. A Federal agency or its permittee must undertake an examination for cultural resources and assess their potential Register value whether or not a previously listed property exists and whether or not a surface owner agrees. Even that process does not require site preservation.

Whatever the concerns that oil, gas, coal, or hardrock interests have about the fairness, speediness, or reasonableness of the Federal cultural resource regulations, we would urge the committee to recognize that the issue before them does not add to or subtract from those existing requirements. Official Register listing is directed to use by the private sector as a way to promote preservation. Federal agencies and their permittees work within an alternate system.

What is the effect of listing a property in the Register?

Register listing:

1. Offers official recognition for historic, archeological and architectural values.
2. Puts owners or sponsors in touch with a network of people with similar values and problems related to preservation.
3. Gives owners access to Federal preservation grant monies when they are appropriated by Congress and to the limit of their availability. Currently, Congress is appropriating money only for planning; not for physical rehabilitation work. At all times, Register owners apply for very limited funds.
4. Gives owners of commercial property access to Federal tax incentives for substantial rehabilitation work.

Register listing does not:

1. Require an owner to treat his property in any particular way or retain it. So long as no Federal preservation grant dollars or tax incentives are used for a building's restoration, an owner may do literally whatever he wants with the property.
2. Require public access. Access is again required only if preservation grant dollars are used in restoration.

NAME: M/S Davis DATE: 7 Feb 83

ADDRESS: 912 Harrison Helena 59607

PHONE: 443 3487

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: SB 308

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: MT's law^{is} far too restrictive. Federal historic districts don't impose any burdens or requirements on property owners. They do offer the opportunity for some benefits & protections if the property owner wishes to take advantage of them.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRET

874611113
Feb. 9, 1983
(This sheet to be used by those testifying on a bill.)

NAME: Janel Cornish DATE: 2-9-83

ADDRESS: Butte-Silver Bow Courthouse

PHONE: 723-8262 x354

REPRESENTING WHOM? Butte-Silver-Bow Urban Revitalization Agency

APPEARING ON WHICH PROPOSAL: SB 308

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: see attached testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Feb. 9, 1983

BUTTE-SILVER BOW URBAN REVITALIZATION AGENCY

Courthouse
Butte, Montana 59701
(406) 723-8262 Extension 354

February 9, 1983

Senate Committee on Education and Cultural Affairs
Senator Bob Brown, Chairman
Room 402
Montana State Capitol
Capitol Station
Helena, Montana 59620

Members of the Committee:

My name is Janet Cornish and I am director of the Urban Revitalization Agency in Butte, Montana. We are a department of local government and have as our main objective the revitalization of Butte's "Uptown", our central business district. We endorse and encourage you to heartily support Senate Bill 308, sponsored by Senator Pat Regan.

We are most fortunate to have a central business district which is entirely located within a National Historic Landmark District. Much attention in recent years has been given to American heritage. Communities across the country are struggling to promote and preserve their history. Tourism surveys tell us that persons are interested most often in visiting sites of scenic and historic importance. Butte's district was formed in 1962 and it has proved to be an extremely important resource in promoting economic development and tourism especially as our economic base is changing.

Historic districts are important to communities for a number of reasons. The formation of these districts promotes neighbors working together to learn more about their homes, their commercial buildings and their town. They become more informed about community affairs and are better able to inform visitors about local history.

As you know, buildings which are located in historic districts are more attractive to developers because of the substantial rehabilitation tax credits available through the Economic Recovery Tax Act of 1981. This encourages development to take place in the existing community centers. Buildings which have long been vacant have a better chance

(cont.)



of undergoing rehabilitation. Further, the infrastructure--sewers, curbs, gutters, etc.--are already in place. Therefore, the development can take place at a lower cost to the taxpayer.

It is important to note what historic districts do not do. They do not place additional burdens on property owners. Owners can alter, demolish, sell or lease buildings in historic districts in the same manner that owners do in other areas of their communities. Federal projects must assess the impacts of their actions on so-called heritage properties. However, this assessment must take place whether or not these properties are in historic districts or are individual historic sites.

Currently, historic districts can only be designated if all of the affected property owners concur. One individual may prevent an entire neighborhood or commercial center from seeking this designation. I urge you to act today to make it easier for communities to create historic districts.

The language which has been added to require the concurrence by the owners of the majority of land (for district creation) is not necessary. While it does not substantially alter the intent of the legislation, it continues to misrepresent the affects which an historic district has on an area. As mentioned earlier, large land owners acting under Federal permitting or with Federal funds must assess impacts on historic properties regardless of their designation.

Please support Senate Bill 308. I would be happy to provide additional information or answer your questions at any time.

Sincerely,


Janet A. Cornish, Director

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tom K. Hopgood DATE: 2-9-83

ADDRESS: PO Box 176

PHONE: 442-0070

REPRESENTING WHOM? AMAX Exploration

APPEARING ON WHICH PROPOSAL: SB 508

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Support amend. requiring
geographical as well as
numerical majority.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Joseph F. SHEVLIN DATE: 2/9/83

ADDRESS: 1824 LOCKEY AVE; HELENA, MT

PHONE: 443-7846

REPRESENTING WHOM? PRIVATE INVESTOR

APPEARING ON WHICH PROPOSAL: S.B. 308

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Wayne Buchanan DATE: _____

ADDRESS: Helena

PHONE: 442-2180

REPRESENTING WHOM? MSBA

APPEARING ON WHICH PROPOSAL: ~~328~~ 297

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Gary Steuerwald

DATE: 2-9-83

ADDRESS: Helena

PHONE: 449-3167

REPRESENTING WHOM? OP 1

APPEARING ON WHICH PROPOSAL: SB-297

DO YOU: SUPPORT? ☒

AMEND? ☐

OPPOSE? ☐

COMMENTS:

Support this bill. Would request the committee address its intention as to the application of the taxes to a family or a student.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Pat Birk DATE: _____

ADDRESS: 615 8th Ave Helena

PHONE: 142-3058

REPRESENTING WHOM? Montana State Historic Preservation Office

APPEARING ON WHICH PROPOSAL: 308

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS: _____

The proposed alteration to 308 which would change majority owner concurrence to ~~majority~~ ^{concurrence} of those who own more than 50% of land complicates process for listing properties (historic districts) in National Register for no legitimate reason. The development companies which have put forth this alteration its original language of bill are still under the exact same obligations to comply with fed. legislation. Thus, the alteration serves no one and only adds paperwork to process.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date Feb. 9, 1983 Senate Bill No. 331 Time 2:24 pm

| NAME | YES | NO |
|---------------------------------|---------------|----|
| Senator Bob Brown, Chairman | | X |
| Senator Ed Smith, Vice Chairman | X | |
| Senator Roger Elliott | | X |
| Senator Delwyn Gage | X | |
| Senator George McCallum | X | |
| Senator Elmer Severson | X | |
| Senator Harry Berg | | X |
| Senator Chet Blaylock | <i>absent</i> | |
| Senator Jack Haffey | | X |
| Senator Joseph Mazurek | | X |
| | | |
| | | |

Jill Rohyans
Secretary JILL ROHYANS

Bob Brown
Chairman SENATOR BOB BROWN

Motion: my Senate McCallum that Senate
Bill 331 be passed. Motion Failed.

(include enough information on motion--put with yellow copy of committee report.)