

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 22, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on January 22, 1985, at 3:10 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 154: Representative Pistoria appeared before the committee as sponsor of HB 154. He explained this bill is an act to repeal the Montana Economic Land Act. The Act is a tax incentive program to be used at the local level in conjunction with various land development laws to foster downtown development and commercial development. This bill was first presented in 1975 as HB 672 and was named MELDA (Montana Economic Land Development Act). Representative Pistoria passed out copies of the bill and all amendments as exhibit 1. He also handed out copies of a 1976 article from the Los Angeles Times regarding this bill (exhibit 2), as well as a copy of the Missoula County Comprehensive Plan (exhibit 3), which he did not read as it was too long, and an article from the January 20, 1985 Great Falls Tribune (exhibit 4). Representative Pistoria wanted it known that he received many phone calls in favor of HB 154.

PROPOSERS: Alec Hansen, representing the Montana League of Cities and Towns, stated that this law has rarely been used in the state of Montana, except in Great Falls. He talked with the manager there who said there was logical reason this bill should be retained in the statutes. Mr. Hansen's organization would agree with that position and recommend that this be approved.

Terry Carmody, of the Montana Association of Realtors, stated they would like to go on record as supporting this bill.

Dennis Burr, representing the Montana Taxpayer's Association said they are in favor of passage of HB 154.

Gary Marbut, representing the Montana Council of Organizations and Missoula Citizens for Sensible Planning, passed out written testimony in favor of this bill (exhibit 5).

Martha Powell, from Missoula, also had written testimony in favor of HB 154, which is exhibit 6.

Vera Cahoon, representing the Missoula County Freeholders, wanted to go on record in support of the bill.
(Exhibit 7)

There were no opponents present.

In closing, Rep. Pistoria stated he appreciated having no opponents.

CONSIDERATION OF HOUSE BILL NO. 108: Rep. Winslow appeared before the committee as sponsor of this bill. This bill increases the amount paid to a county by a state or the United States for holding persons committed by them to the county jail. This bill calls for an increase from \$10 to \$30 or the average per diem cost of holding a prisoner, whichever is lower. A fiscal note is attached.

PROPOSERS: Gordon Morris, of the Montana Association of Counties, stated that this bill addresses the increasing costs to counties by way of public safety sector of their budget. The public safety funding is contained within the county general fund. He passed out written testimony which shows prisoner expenses for 15 counties, exhibit 1.

Ray Fracklet, sheriff from Missoula county, stated a daily fee of \$10 per day is unrealistic. The county has been picking up the fee for housing a state prisoner. Over the past three years his jail budget has gone from \$541,000 to \$722,000. Based on these figures, it costs Missoula county \$30.39 to house a prisoner for one day; however, the actual cost is somewhat higher.

Greg Jackson, representing the Urban Coalition, wanted to go on record as supporting HB 108. In Lewis and Clark county it has been established that the average cost of spending a day in jail exceeds \$35.00 per day.

John Scully, representing the Sheriff and Peace Officers, stated there is a great need for increasing the budget of counties because many costs of the sheriffs and jails are much higher now than in prior years. Medical costs occurring in jails are higher now also.

Tom Schneider, president of the Montana Association of Counties and also a commissioner from Powell County, stated that in Deer Lodge, they take prisoners into their county jail from the Montana State Prison, and they are expected to take care of them for \$10 per day,

when it actually costs \$30 to \$35 per day. Therefore, they are very much in support of HB 108.

There were no opponents to HB 108.

DISCUSSION OF HOUSE BILL NO. 108: Rep. Sales asked how the average per diem is determined, and Mr. Morris answered that it is based on the average daily inmate population. This is for lodging, food and clothing, and it is the average cost within the county where the prisoner is held. The cost will fluctuate, depending on the size of the county.

Rep. Wallin asked Rep. Winslow why a low figure of \$30 was put in, rather than what the figure actually is. Rep. Winslow answered that he was trying to be realistic.

Rep. Kadas asked how many federal and state prisoners there are per year. The answer was a rough estimate of less than 5% for state and even less for federal. Rep. Kadas also wanted to know how the state decides where to put a prisoner--in a county or city jail. He was told that many cities don't have a city jail, so the highway patrol will take them to the county jail.

Rep. Sales asked Rep. Winslow if he would object if the \$30 per day maximum was removed and they just used the average cost. Would this hurt the bill? Rep. Winslow said it would be fine to put in the average cost, that any increase would be difficult and might hurt the bill.

Rep. Sands stated that the federal government does not contract with all counties. It was suggested that an amendment be placed in the bill to give counties the right to negotiate with the federal government to allow \$30 per day for prisoners.

In closing, Rep. Winslow stated that because there are no opponents, it is a good sign this is a necessary bill for local government. However, with a fiscal note, it will go to the Appropriations Committee, where it will have a difficult time. Rep. Winslow asked for a DO PASS from this committee.

CONSIDERATION OF HOUSE BILL NO. 75: Rep. Hannah, sponsor of the bill, presented his bill to the committee. This bill deletes the present method for determining the salaries of elected county officials and substitutes instead that the board of county commissioners set the salary. It provides for public hearings on the proposed salaries and requires that the

raises be by a common factor to raise all salaries the same amount. Present salaries are grandfathered. Currently salaries of county officials are determined by adding to a specified amount an amount per 100 of the county population plus an extra amount for certain offices. This is raised each year by 70% of the CPI.

Rep. Hannah stated that the legislature has not done a good job in setting salaries for local elected officials. He would like this bill to give authority to locals for setting salaries for county commissioners.

PROPOSERS: Patrick R. Underwood, representing the Montana Farm Bureau Federation, stated he would like to go on record in favor of the bill. He presented written testimony in support of HB 75 (exhibit 1).

Jim Jensen of the Montana Magistrate Association stated he is neutral on this bill. All those who are on full time have their wages set by the county commissioners.

There were no other proponents present to HB 75. However, a letter of support from the Missoula Board of County Commissioners is attached as exhibit 2.

OPPOSERS: John Scully of the Sheriff and Peace Officers' Association stated this bill gives the county commissioners the opportunity to raise salaries. The point has got to be made that as long as we pass legislation at state level for elected officials we are going to have to take responsibility for salaries throughout the state. In some counties, there would be people who would be paid less than others who would be doing the same job. The basic function of elected officials are those set by the legislature. Mr. Scully urged defeat of the bill, as he doesn't see the solution would be to dump in on local government.

Charles Graveley, appearing in behalf of the County Assessors, Treasurers and Coroners Association, stated that these three departments which he represents would like to go on record as being against the bill. It is designed to give uniform salary increases and this will cause conflicts among the various elected officials. The assessors are elected officials but they are the orphans, as they work for the Department of Revenue. They have worked with the Department of Revenue for an amendment for the committee to review. This amendment is to remove the assessors from the bill and place them under the state pay plan. The gist of the amendment would be to assure that the current assessors, when they go under the pay plan, would not receive any decreases in salary. (See exhibit 3). On behalf of

the three associations he represents, he respectfully requests a DO NOT PASS.

Richard Trerise, representing the Montana Association of County Superintendents, stated he would like to go on record as opposing HB 75. He presented a written statement expressing his opposition to this bill (exhibit 4).

Tom Schneider, executive director of the Montana Employee's Association, stated that this bill is not limited to county elected officials only. By looking at the stricken language, that language didn't cover just the county elected officials. They represent those people by contract in at least 5 major counties in Montana. First they negotiate with the county and then they establish by bargaining salaries, but that is not their objection with this particular bill. He just simply wants to point out the first change on page 2, which says a resolution will be adopted no later than March 31. In the case of Cascade County, by the request of the commission, their contract is not effective each year until October 1, and bargaining does not begin until August. This would create a problem. They would want it to be classified as to whether these positions do or do not cover people who are under collective bargaining. If they do, the organization he represents is opposed to the bill.

Mike Stephen, representing the Clerk and Records Association, stated the commissioners' idea of setting salaries is a good one. In many instances it would be appropriate; however, in the current system it realistically won't work. In looking at the makeup of the county courthouse, all elected officials are all equal officers. Therefore, it is not a good idea to put one group in charge of setting salaries.

Dick Michelotti, Cascade County Treasurer, stated that having county commissioners set salaries is the buddy system. The treasurers took a vote and 33 opposed it and 13 were for it. The Treasurer's Association would like to make a standing of DO NOT PASS.

Lorraine Van Ausdol, of the Clerk of Court Association, from Bozeman, wanted to go on record as opposing HB 75. She presented written testimony (exhibit 5).

Edith Barker, of the Montana Assessor Association, from Conrad, said she was against the bill, because the county commissioners should not set the salaries.

Gregg Groepper from the Department of Revenue, stated they would support the bill if it is amended.

Also attached is a letter from Loretta Young, Teton County Clerk and Recorder (exhibit 6) and John Albrecht of Choteau (exhibit 7), Vera Cohoon, Missoula County Freeholders (exhibit 8) and Julie Hacker (exhibit 9) stating their opposition to the bill.

DISCUSSION OF HOUSE BILL NO. 75: Rep. Hannah, in closing, agreed that there is a conflict in the bill. Also, as there is a potential problem because of the situation of the assessors, it would be OK to address that as well. People are saying it is political suicide to raise salaries.

Rep. Brown asked Rep. Hannah if this bill was a sneaky attempt to promote unions. The main question is where the responsibility lies for making the decisions in the state and locally for funding. Rep. Hannah said appraisal values are different in all parts of the state. One county may be able to justify increasing salaries and in another county it may be a real burden.

Rep. Sands asked if they could freeze all the salaries, where salaries could never change. He was told it was written this way so that if the commissioners are going to give some a raise, then everyone must get a raise. Rep. Sands asked if someone is not performing well, can their salaries not be decreased. Is a poorly performing employee going to get a salary increase just like anyone else.

Rep. Brandewie asked if this only affects the elected officials. Would this involve people in the collective bargaining? The answer was no.

Chairman Darko closed the hearing on HB 75, and then the Local Government Committee went into executive session for action on the bills. Rep. Kitselman reported that he had taken care of the coffee situation. We will be sharing a coffee pot with the Business and Labor Committee, and we will ask everyone to pay \$2.00 for coffee.

DISPOSITION OF HOUSE BILL NO. 154: Rep. Sales moved that HB 154 DO PASS, and it was seconded by Rep. Pistoria. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 133: Before taking motion it was asked if the committee wanted to consider the amendment. Chairman Darko felt it would be a DO NOT PASS.

Rep. Kadas moved to DO PASS HB 133, and it was seconded by Rep. Fritz.

Rep. Hansen moved to amend HB 133, and this was seconded by Rep. Kitselman.

A substitute motion of DO NOT PASS AS AMENDED was made by Rep. Sales, and seconded by Rep. Poff. The motion CARRIED with Rep. Kadas and Rep. Hansen voting "no". Rep. Kadas stated that in some counties elected attorneys and elected commissioners do not agree. Then the county commission is without a legal advisor to do what has to be done.

Rep. Brown stated that in Missoula county, they have 5 times more deputy county attorneys than any others in the state. They are always down here asking for more money. He said half of them could be fired. Rep. Sales said that all counties have problems with some elected officials. Rep. Fritz stated this bill would have considerable impact on the budget. Rep. Poff said he felt we are wasting a lot of time here. It would show disrespect for the county attorney to pass this bill.

Rep. Sales said that if this bill is passed, then the county commissioner can start hiring outside attorneys when their county attorney doesn't agree with him. Where does the money come from? Rep. Kadas responded that the county commissioners would take it out of their own budget.

Rep. Sales asked if it would be legal for county commission to set up another budget for legal matters when the county attorney is responsible for legal matters. Lee Heiman, committee counsel, said that the county attorney is still responsible and has to budget for it.

DISPOSITION OF HOUSE BILL NO. 108: Rep. Brown made a motion of DO PASS. Rep. Wallin seconded it. Rep. Kitselman made a motion that Lee Heiman make an amendment to this bill. This was seconded by Rep. Sales. Rep. Kadas asked if we do this, will we be sure we are getting \$30. Rep. Sands said it is a convenient amendment. The motion of the proposed amendment PASSED UNANIMOUSLY. Rep. Brown made the motion to DO PASS AS AMENDED HB 108. This was seconded by Rep. Kitselman, and the motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 75: Rep. Brown made a motion to DO NOT PASS HB 75. This was seconded by Rep. Pistoria.

Rep. Sands stated that he would like to meet with the sponsor to discuss the amendment, and felt it was advisable to wait before taking action on it. The bill, if passed, should apply only to the elected people. Rep. Fritz said he would like to see the bill amended.

An unofficial poll was made to see how many would favor working with the sponsor and go through the amendment. Rep. Brown withdrew his motion of DO NOT PASS, and action was postponed on HB 75. Members of the committee were asked to come prepared to the next meeting to present the amendment.

There being no further business before the committee, the meeting was adjourned at 5:20 p.m.

Rep. Paula A. Darko
PAULA A. DARKO, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-22-85

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓		
Dave Brown	✓		✓ late
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

STANDING COMMITTEE REPORT

January 22, 19 33

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 154

first reading copy (white color)

REPEAL OF THE MONTANA ECONOMIC LAND DEVELOPMENT
ACT.

Respectfully report as follows: That HOUSE Bill No. 154

DQ.PASS.

STANDING COMMITTEE REPORT

January 22, 1965

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 103

FIRST reading copy (WHITE)
color

RAISE COST OF U. S. AND MONTANA OF THEIR PLACING
PERSONS IN COUNTY JAIL.

Respectfully report as follows: That HOUSE Bill No. 103

BE AMENDED AS FOLLOWS:

1. Page 2, lines 1 through 33
Strike: "of \$10 on line 1 through "less," on line 3.
2. Page 2, line 3.
Following: "less,"
Insert: "as may be agreed to"

AND AS AMENDED,
DO PASS.

22/23/85
STATE PUB. CO.
Helena, Mont.

Paula Parko,

Chairman.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

.....January 22,..... 19 35.....

MR.SPEAKER.....

We, your committee onLOCAL GOVERNMENT.....

having had under considerationHOUSE..... Bill No. 133.....

FIRST reading copy (WHITE)
color

REMOVE COUNTY ATTORNEY APPROVAL FOR HIRING
CIVIL ATTORNEY FOR COUNTY.

Respectfully report as follows: ThatHOUSE..... Bill No. 133.....

BE AMENDED AS FOLLOWS:

1. Title, line 7.
Following: "SERVICES"
Insert: "FOR THE BOARD OF COUNTY COMMISSIONERS"
2. Page 1, line 16.
Following: "of the"
Insert: "board of"
Following: "county"
Insert: "commissioners"

AND AS AMENDED,
DO NOT PASS
~~DO PASS~~

MON. MAR. 28, 1977
H.B. 630

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1977

VOTE TABULATION

03 28 77

HB630

CALL

MOTION

42 AYE

41 NAY

18 ABSENT

N	Aageson, David (R)	Y	Gunderson, Edna A. (D)	A	Mular, James T. (D)
Y	Baeth, Russell (D)	<i>no</i> Y	Gunderson, Jack (D)	N	Nathe, Dennis G. (R)
Y	Baeth, William R. (Bill) (D)	Y <i>\$</i>	Halvorson, Ora J. (D)	N	O'Connell, Helen G. (D)
Y	Bardanouve, Francis (D)	N	Hand, William M. (D)	Y	O'Keefe, Warren (R)
<i>Y</i> <i>\$</i>	Barrett, Fred O. (R)	N	Hansen, Harry (D)	Y	Palmer, Bob (D)
Y	Bengtson, Esther G. (D)	Y	Harper, Hal (D)	N	Pistoria, Paul G. (D)
Y	Bertelsen, Verner L. (R)	N	Harrington, Dan W. (D)	Y	Porter, Howard C. (R)
Y	Bradley, Dorothy M. (D)	Y	Hirsch, Les J. (D)	A	Quilici, Joe (D)
N	Brand, Joe (D)	Y	Holmes, Polly (D)	Y	Ramirez, Jack (R)
<i>no</i> <i>N</i> <i>\$</i>	Burnett, James H. "Jim" (R)	Y	Huennekens, Herb (D)	N	Robbins, Hershel M. (D)
A	Colburn, Gary L. (D)	<i>no</i> Y <i>\$</i>	Hurwitz, Burt (R)	<i>no</i> <i>N</i> <i>\$</i>	Roth, Audrey (R)
N	Conroy, Thomas R. (D)	N	Jensen, William Ray (R)	N	Ryan, Patrick L. (D)
Y	Cooney, Mike (D)	N	Johnston, George R. (D)	N	Scully, John P. (D)
Y	Courtney, Jim (D)	N	Kanduch, Joe F., Sr. (D)	N	Seifert, Carl A. (R)
N	Cox, Edith E. (R)	<i>ex</i> <i>A</i>	Kennerly, Leo M., Jr. (D)	N	Severson, Elmer D. (R)
N	Curtiss, Aubyn A. (R)	N	Kenny, John F. (D)	Y	Shelden, Arthur H. (D)
Y	Dassinger, E. N. (D)	Y	Kessler, Gerald R. (D)	<i>no</i> <i>N</i> <i>\$</i>	Sivertsen, Robert (R)
N	Davis, Dale H. (R)	<i>no</i> <i>N</i> <i>\$</i>	Keyser, Kerry R. (R)	N	Smith, Carl M. (R)
N	Day, William M. (Willie) (D)	Y <i>\$</i>	Kimble, Gary Niles (D)	<i>no</i> Y <i>\$</i>	South, Carroll V. (D)
Y	Driscoll, John Brian (D)	<i>no</i> N	Kropp, Paul K. (R)	N	Staigmiller, John B. (D)
<i>no</i> <i>Y</i> <i>\$</i>	Dussault, Ann Mary (D)	<i>no</i> <i>N</i> <i>\$</i>	Kvaalen, Oscar S. (R)	N	Stobie, Chris H. (R)
N	Ellerd, Robert A. (R)	Y	Lien, Edward (D)	N	Teague, Wes (D)
Y	Ellis, Howard L. (R)	Y	Lory, Earl C. (R)	N	Tower, Lee (R)
N	Ellison, Orval S. (R)	A	Lund, Art (R)	N	Tropila, Joe (D)
N	Ernst, Gene N. (R)	Y	Lynch, John "J.D." (D)	N	Turner, Clyde A. (R)
Y	Estenson, JoEllen (D)	N	McLane, V. Jean (R)	Y	Uhde, Jack Brian (D)
Y	Eudaily, Ralph S. (R)	N	Manuel, Rex (D)	N	Underdal, Melvin (R)
A	Fabrega, W. Jay (R)	Y	Marks, Robert L. (Bob) (R)	Y	Vincent, John (D)
Y	Fagg, Harrison G. (R)	Y	Meloy, Peter M. (Peter) (D)	N	Vinger, Orren C. (R)
N	Feda, G. C. "Jerry" (R)	Y	Menahan, William (Red) (D)	Y	Waldron, Steve (D)
Y	Frates, Eugene F. (D)	Y	Metcalf, Jerry (D)	Y	Williams, J. Melvin (D)
Y	Gerke, Harold E. (D)	Y	Meyer, Darryl (R)	N	Wood, L. E. (Gene) (R)
Y	Gilligan, Peter J., Jr. (D)	Y	Moore, Jack K. (R)	N	Wyrick, Harold A. (R)
N	Gould, R. Budd (R)			A	Mr. Speaker

April 16, 1977

STANDING COMMITTEE REPORT
Senate Committee on Taxation

That House Bill No. 630 be amended as follows:

1. Amend page 2, section 1, lines 12 through 14.
Following: line 11
Strike: lines 12 through 14 in their entirety
2. Amend page 3, section 2, lines 9 through 11.
Following: line 8
Strike: lines 9 through 11
3. Amend page 5, section 3, lines 16 through 23.
Following: line 15
Strike: subsection (8) in its entirety
Insert: "(8) 'Corporate limits', in the case of a consolidated city-county government, means the boundaries of a class 1 or class 2 city as they existed prior to consolidation."
4. Amend page 5, section 3, lines 24 and 25.
Following: "means"
Strike: "a board of county commissioners,"
5. Amend page 6, section 3, line 25.
Following: "27,"
Strike: "and Title 16, chapter 47, or those chapters as they"
Insert: "or that chapter as it"
6. Amend page 7, lines 13 and 14.
Following: "AREA."
Strike: "IN MUNICIPALITIES OTHER THAN CLASS 1 AND 2 CITIES,"
7. Amend page 7, lines 17 through 19.
Following: "limits"
Strike: "in class 1 or 2 cities, or from the central business district to the corporate limits in other cities"
8. Amend page 7, line 20 through line 4, page 8.
Following: line 19
Strike: lines 20 through 25 page 7 through line 4, page 8
Renumber: following subsections
9. Amend page 8, lines 7 and 8.
Following: "are"
Strike: "three"
Insert: "two"
Following: "land:"
Strike: "productive, nonproductive,"
Insert: "vacant and unimproved"
10. Amend page 8, line 8.
Following: "these"
Strike: "three"
Insert: "two"

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11. Amend page 8, lines 11 through 25 through line 10, page 9.
Following: line 10, page 8
Strike: lines 11, page 8 through line 10, page 9.
12. Amend page 9, line 11.
Following: line 10
Strike: "(c)"
Insert: "(a)"
13. Amend page 9, line 19.
Following: "production"
Insert: "or"
Following: "PRODUCING,"
Strike: "Or mining of"
14. Amend page 9, line 24.
Following: line 23
Strike: "(21)"
Insert: "(6)"
15. Amend page 10, line 6.
Following: line 5
Strike: "TOWNS, AND COUNTIES"
Following: "SHALL"
Strike: "FOLLOW"
Insert: "Implement"
16. Amend page 10, line 8.
Following: "(A)"
Strike: "ANY"
Following: "OR 2"
Strike: "CITY OR TOWN THAT IS"
Insert: "Cities"
Following: "ALREADY"
Insert: "p. amended and"
17. Amend page 10, line 9.
Following: "ACT"
Strike: "ON"
Insert: "which will become effective on"
18. Amend page 10, line 10.
Following: "1978,"
Strike: "UNLESS A PETITION FOR REFERENDUM AGAINST"
Insert: "or thereafter, if an initiative for"
19. Amend page 10, section 4, line 14.
Following: "VOTE"
Strike: "AGAINST"
Insert: "for"
20. Amend page 10, line 15 through 25 through line 12, page 25.
Following: line 14, page 10
Strike: line 15 through 25 page 10 through line 12, page 25.

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21. Amend page 25, section 7, lines 18 through 20.
Following: "residential"
Strike: ", and these lands so designated shall be a part of the final plan as called for in 84-7505.1(4)(5)"
22. Amend page 27, line 7 through 11.
Following: line 6
Strike: lines 7 through 11 in their entirety
Renumber: following subsections
23. Amend page 27, line 21 through line 17 page 29.
Following: line 20
Strike: lines 21, page 27 through line 17, page 29 in their entirety.
24. Amend page 29, section 8, lines 23 through 25.
Following: "commercial"
Strike: ", and the lands so designated shall be a part of the final plan as called for in 84-7505.1(4)---All-new-construction- 84-7505.1(5)"
25. Amend page 32, lines 2 through 25 through line 1, page 33.
Following: line 1.
Strike: lines 2 through 25 page 32 through line 1, page 33
Renumber: following subsection.
26. Amend page 33, line 4.
Following: "BENEFITS"
Insert: "or penalties"
Following: "THROUGH"
Strike: "(5)"
Insert: "(4)"
27. Amend page 33 lines 12 through 15.
Following: "industrial"
Strike: ", and the lands are designated shall be a part of the final plan as called for in 84-7505.1(4)---All-new-construction-or-expansion 84-7505.1(5)"
28. Amend page 33 line 20.
Following: "body."
Insert: "Improvements classified as "new industrial property" under Class Seven in 84-301 or under 84-301.19 may not qualify for benefits under this section."
29. Amend page 34 lines 14 through 16.
Following: "WOULD"
Strike: "not have significant adverse effects on the EXISTING natural environment and would not cause undue air or water pollution."
Insert: "meet existing air and water pollution requirements"

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30. Amend page 34, line 17.
Following: "RETURNED"
Insert: "substantially"
31. Amend page 34 lines 19 through 21.
Following: line 18
Strike: lines 19 through 21 in their entirety
Relatter: subsequent subsections
32. Amend page 35, line 2.
Following: "(2)"
Strike: "(E)"
Insert: "(D)"
33. Amend page 35, line 4.
Following: "(2)"
Strike: "(E)"
Insert: "(D)"
34. Amend page 35, line 6.
Following: "(2)"
Strike: "(E)"
Insert: "(D)"
35. Amend page 35, lines 10 through 11.
Following: line 9
Strike: lines 10 through 11 in their entirety.
36. Amend page 35, section 9, lines 22 and 23.
Following: "IN"
Strike: "84-7509(3),(5), AND (7)"
Insert: "84-7509.1(3) and (5)"
37. Amend page 37, section 11, line 13 through line 12, page 38.
Following: line 12
Strike: line 13 on page 37 through line 12 on page 38 in their entirety
Renumber: following subsection
38. Amend page 38, section 12, line 23.
Following: "benefits"
Insert: "in lieu of those provided under Class Nine, 84-301, or 84-301.14,"
39. Amend page 40, section 12, line 2.
Following: "body"
Strike: "has the authority to"
Insert: "shall"

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40. Amend page 40, section 12, line 3.
Following: "section"
Strike: "if"
Insert: "unless"
Following: "that"
Insert: "lack of"

41. Amend page 40, section 12, line 4.
Following: "has"
Strike: "adequately"
Insert: "failed to"

42. Amend page 40, section 12, line 5.
Following: line 4
Strike: "maintained"
Insert: "maintain"
Following: "property"
Strike: "SO"
Insert: "and"

43. Amend page 40, section 12, line 6.
Following: "HAS"
Strike: "NOT"
Following: "PROPERTY"
Insert: "more than 2 1/2"

44. Amend page 41, section 13, lines 2 through 20.
Following: line 1
Strike: lines 2 through 20 in their entirety
Renumber: subsequent subsections

45. Amend page 41, section 13, line 25 through line 23 on page 43.
Following: line 24
Strike: line 25 on page 41 through line 23 on page 43 in their entirety
Renumber: following subsection

46. Amend page 44, section 13, lines 2 and 3.
Following: "SHOULD"
Strike: " , AT THE TERMINATION OF PLANNING, "

47. Amend page 44, section 13, lines 7 through 11.
Following: line 6
Strike: lines 7 through 11 in their entirety.

48. Amend page 45, section 14, line 7.
Following: "affected"
Strike: "municipal, regional, or county"

April 16, 1977
Page 6
H.B. 630

49. Amend page 45, section 14, line 11.
Following: "held"
Strike: "in the county".

50. Amend page 47, section 19, line 11.
Following: "ALL"

51. Amend page 47, section 20, line 22 through line 7 on page 48.
Following: "Effective date"
Strike: the remainder of section 20 in its entirety
Insert: "This act is effective January 1, 1978."

Page 10
Lorraine as Director
15% Repurchase
& will be adopted

45th Legislature

HB 0630/02

Approved by Committee
on Taxation

HOUSE BILL NO. 630

INTRODUCED BY FAGG, VINCENT, MARKS,

WALDRON, MULAR, PALMER, COONEY, LUND, FEDA,

FABREGA, UHDE, HARRINGTON, HUENNEKENS, BRAND,

O'KEEFE, HIRSCH, METCALF, HOLMES, W. BAETH, LORY,

ELLIS, PORTER, KIMBLE, QUILICI, DUSSAULT, HANSEN,

SCULLY, R. BAETH, JOHNSTON, E. GUNDERSON, PISTORIA,

KENNERLY, COURTNEY, LYNCH, SHELDEN, MOORE, HARPER,

KANDUCH, MENAHAN, KESSLER, TEAGUE, J. GUNDERSON, FRATES,

NATHE, ROBBINS, BRADLEY, GILLIGAN, SIVERTSEN, ESTENSON, LIEN

11

12 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY

13 THE MONTANA ECONOMIC LAND DEVELOPMENT ACT, REPEALING

14 SECTIONS 84-7502 THROUGH 84-7526, R.C.M. 1947; ENACTING NEW

15 SECTIONS IN LIEU THEREOF; AND PROVIDING AN EFFECTIVE DATE."

16

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. There is a new R.C.M. section numbered

19 84-7502.1 that reads as follows:

20 84-7502.1. Policy. The legislature finds that as a

21 state we currently face problems in development that not

22 only cause concern for our future but also could cause

23 cutbacks in our state's growth and proper development. Since

24 many of these concerns are based on land use decisions, the

25 state should develop a land use policy which will direct

SECOND READING

DEBATED - MON-MAR. 28, 1977
FAGG'S

Originals H.B. 630
1975 Session
also, Pat Fagg

HB 0630/02

1 Montana's land use expansion through the enactment of a

2 program establishing:

3 (1) local decision-making authority and control as

4 primary factors in the determination of land use patterns;

5 (2) tax incentive programs for land and structures

6 based on proper land use; providing tax benefits for proper

7 land use and tax penalties for improper land use;

8 (3) a land use policy that does not impede economic

9 progress, but WHICH aids in the development of a program

10 which will meet the social and economic challenges brought

11 about through economic development;

12 (4) a program which protects our state's beauty and

13 natural features as well as our heritage of agricultural

14 wealth through constraint of urban sprawl;

15 (5) land use procedures, supplementary to zoning

16 through a local control structure providing for continuous

17 action, which do not conflict with Title 11, chapter 27, or

18 Title 16, chapters 41 and 47, (or those chapters as they may

19 be amended or recodified);

20 (6) in general, a system of proper land use developed

21 by a determination of the impact ~~as~~ beneficial or

22 detrimental to an area, BENEICIAL OR OTHERWISE, and

23 providing tax incentives and penalties based thereon to curb

24 improper development patterns.

25 Section 2. There is a new R.C.M. section numbered

1 84-7503-1 that reads as follows:

2 84-7503-1. Purpose. Montanans are faced by a nation
3 actively searching for timber, coal, minerals, and
4 recreational opportunities. This act is designed to
5 establish Montana's developmental goals in a unique way: by
6 placing our future land development within a system
7 controlled by taxation rather--then AS WELL AS land
8 regulation. Specific goals are:

9 (1) to protect agricultural land, the basis of
10 Montana's economic well-being today and the foundation for a
11 well-fed and healthy populace tomorrow;

12 (2) to encourage an inward pattern of urban growth
13 which will promote greater population density on developed
14 land within the urban areas and correspondingly provide a
15 greater percentage of open space through control of sprawl
16 development;

17 (3) to guide industrial and commercial development in
18 Montana;

19 (4) to develop a program which is controlled and
20 directed on a local level, with the actual land use
21 direction and classification left wherever possible to the
22 local land owner, working within existing standards,
23 classifications, and land use practices; and

24 (5) in general, to provide a directional land use
25 policy for Montana that is based on the principles of

1 desirable growth through the development of local control
2 rather than regulation by preemption.

3 Section 3. There is a new R.C.M. section numbered
4 84-7504.1 that reads as follows:

5 84-7504.1. Definitions. As used in this act, the
6 following definitions apply:

7 (1) "Density" means the number of dwelling units per
8 gross acre.

9 (2) "Dwelling unit" means any building or portion
10 thereof providing complete, independent, and permanent
11 living facilities for one family.

12 (3) "Single family dwelling" means a detached OR
13 SEMI-ATTACHED dwelling unit.

14 (4) "Multifamily dwelling" means a structure
15 consisting of more than one dwelling unit.

16 (5) "Neighborhood commercial AREA" means ~~one~~-~~cluster~~-~~ing~~
17 ~~which--consists~~ A CLUSTER of convenience retail and personal
18 service establishments which THAT secure their principal
19 trade by supplying the daily needs of the population
20 residing within a ~~1/2--mile--radius--of--such--facilities~~
21 GEOGRAPHICAL DISTRICT DEFINED BY LOCAL GOVERNMENT. The
22 location and quantity of land within the neighborhood
23 commercial area shall be a business island not more than 4
24 acres in size and with no business frontage extending more
25 than 600 feet along any street.

1 (6) "Planned unit development" (PUD) means a land
 2 development project consisting of residential clusters,
 3 industrial parks, shopping centers, or office building
 4 parks, or any combination thereof which comprises a planned
 5 mixture of land uses built in a prearranged relationship to
 6 each other and having open space and community facilities in
 7 a common ownership or use.

8 (7) "REGIONAL COMMERCIAL AREA" MEANS LAND ADJACENT TO
 9 A NEIGHBORHOOD COMMERCIAL AREA THAT ACCOMMODATES BUSINESS
 10 AND TRADE FACILITIES THAT ARE MAJOR IN NATURE AND GENERALLY
 11 REQUIRE SITES IN EXCESS OF 4 ACRES AND THAT SERVE THE NEEDS
 12 OF A COMMUNITY OR REGION. THE QUANTITY OF LAND WITHIN A
 13 REGIONAL COMMERCIAL AREA MAY NOT EXCEED 40 ACRES AND MAY NOT
 14 CONTAIN MORE THAN ONE-HALF MILE OF FRONTAGE ON ANY GIVEN
 15 STREET OR HIGHWAY.

16 (8) "Agricultural buildings" means those
 17 structures necessary and integral to the development of
 18 agricultural lands and used for the housing of materials,
 19 equipment, OR supplies and OR THE storage of farm goods
 20 necessary in the practice of agriculture OR SERVING AS THE
 21 RESIDENCE OR RESIDENCES OF THOSE ACTUALLY ENGAGED IN
 22 AGRICULTURE. THESE STRUCTURES MUST BE LOCATED ON A PORTION
 23 OF LAND BEING DEVELOPED FOR AGRICULTURAL PURPOSES.

24 (9) "Governing body" means a board of county
 25 commissioners or the governing authority of any city or

1 town or any joint city-county governing authority organized
 2 pursuant to law.
 3 (10) "State administering agency" means the
 4 department of community affairs or coordinator for
 5 implementation of 04-7505-1.
 6 (11) "Remodeling" means the changing in--appraised
 7 value EXPANSION OR RECONSTRUCTION of a structure, building,
 8 or other man-made object through reconstruction whereby its
 9 value is increased WHICH INCREASES ITS TAXABLE VALUE by at
 10 least 5% 2.122, AS DETERMINED BY THE DEPARTMENT OF REVENUE
 11 OR ITS AGENTS.

12 (12) "Construction period" means a period of time
 13 beginning with the issuance of a building permit and
 14 concluding when the construction is ready for its designed
 15 use or when determined by the county assessor DETERMINES THE
 16 STRUCTURE to be substantially completed. In those cases
 17 where building permits are not issued, the beginning of the
 18 period is that time determined by the governing body as the
 19 start of construction. In no case will MAY the construction
 20 period exceed 18 months.

21 (13) "Zoning" means the regulation by a governing
 22 body of the use of land or structures thereon, or both,
 23 within a designated portion of the jurisdictional area of
 24 the governing body, as authorized under Title 11, Chapter
 25 27, and Title 16, Chapter 47, or those chapters as they may

1 be amended or recodified.

2 ~~†††††1141~~ "Central business district" means that portion
3 of land, within the corporate limits of a city, defined and
4 delineated by the local governing body according to accepted
5 practices of planning agencies as forming the center of the
6 CITY'S FINANCIAL, COMMERCIAL, AND PROFESSIONAL ACTIVITIES.

7 ~~†††††1151~~ "Core area" means that portion of land, within
8 the corporate limits of a class 1 or class 2 city, which
9 IHAI includes the central business district and extends on
10 additional 14000 feet beyond in all directions a minimum of
11 ONE-HALF BLOCK BEYOND IN ALL DIRECTIONS AND A MAXIMUM OF
12 THREE BLOCKS, INCLUDING ALL STREETS AND ALLEYS ADJACENT TO
13 OR WITHIN THE AREA, IN MUNICIPALITIES OTHER THAN CLASS 1 OR
14 CLASS 2 CITIES. THE CORE AREA SHALL BE AS DESIGNATED BY THE
15 GOVERNING BODY.

16 ~~†††††1161~~ "Civic band" means that portion of land which
17 extends from the core area to the corporate limits in class
18 1 or class 2 cities, or from the central business district
19 to the corporate limits in other cities.

20 ~~†††††1171~~ "Urban SUBURBAN band" means that portion of
21 land which extends from the corporate limits up to IHAI. THE
22 GOVERNING BODY DELINEATES AS THE DEVELOPED OR SUBURBAN AREA
23 OUTSIDE THE CORPORATE LIMIT. THIS BAND MAY EXTEND NO FURTHER
24 THAN the 4 1/2 mile jurisdictional area as set forth in
25 11-3830 and 11-3830.2, or those sections as they may be

1 amended or recodified.

2 ~~†††††1181~~ "kural land" means those lands beyond the
3 jurisdictional areas as set forth in 11-3830 and 11-3830.2,
4 or those sections as they may be amended or recodified.

5 ~~†††††1191~~ "value" means appraised TAXABLE value.

6 ~~†††††1201~~ "Land". For the purposes of this act, there
7 are three main categories of land: productive,
8 nonproductive, and developed. Each of these three categories
9 can be defined in terms of the principle use (or nonuse)
10 made of the land:

11 (a) productive land--land which is agricultural in
12 nature and whose principle use is or could be floriculture,
13 horticulture, silviculture, general farming, dairying,
14 poultry raising, stock raising, and other uses related to
15 agriculture, including but not limited to IHE activities as
16 defined in 84-437.2. The types of land use within this
17 category are:

18 (i) prime agricultural--irrigated and as defined in
19 HRS 42-2022†††-52250--and department of revenue pamphlet
20 "Recommended Reclassification Procedures--and--instructions"
21 pages--8--and--9† ILLABLE IRRIGATED CLASS 1 AND 2 LAND AS
22 DEFINED BY THE U.S. DEPARTMENT OF AGRICULTURE SOIL
23 CONSERVATION SERVICE;

24 (ii) cropland;

25 (iii) grazing;

1 BEEN DEVELOPED FOR ANY USE DEFINED IN THE PRECEDING
2 SUBSECTION.

3 Section 4. There is a new R.C.M. section numbered
4 84-7505.1 that reads as follows:

5 84-7505.1. Operation. (1) By June 30, 1978 cities,
6 towns, and counties shall follow the following procedure in
7 adopting or developing provisions of this act:

8 ~~(a) Any city or town that is already zoned shall adopt~~
9 ~~the provisions of this act on July 1, 1977, unless a~~
10 ~~petition for referendum against adoption is signed by at~~
11 ~~least 15% of the registered voters of that city or town and~~
12 ~~a majority of those voting on the question, in a special~~
13 ~~election or in the next general election, vote against its~~
14 ~~implementation.~~

15 (a) Any county that has adopted a master plan as
16 defined in 11-3803 may adopt the provisions of this act,
17 unless a petition for referendum against adoption is signed
18 by at least 15% of the registered voters of that county and
19 a majority of those voting on the question, in a special
20 election or in the next general election, vote against its
21 implementation.

22 (c) Any city or town that is not zoned may apply to
23 the administering agency for funds to implement planning
24 procedure, on forms and in the manner to be determined by
25 the administering agency.

1 (iv) range;

2 (v) native grassland;

3 (vi) forest and woodland;

4 (vii) recreational.

5 (b) nonproductive land--land which will not reasonably
6 support growth for the production of food and fibre. This
7 land is typified by extreme slopes, rock formations,
8 alkaline properties, or similar natural features which make
9 it barren or nonproductive for any type of agricultural
10 activity.

11 (c) developed land--land used principally for
12 residential, industrial, or commercial purposes. The types
13 of land use under this category are:

14 (i) residential land--land used for varying
15 concentrations of dwellings of varying densities designed to
16 meet contemporary building and living standards;

17 (ii) industrial land--land used for manufacturing,
18 conversion, converting, processing, assembly, assembling,
19 dismantling, refining, production, producing, or mining of a
20 material or product; and

21 (iii) commercial land--land used for business purposes
22 principally in the provision of services or the wholesale or
23 retail selling of goods.

24 (2) "VACANT UNIMPROVED LAND" MEANS PRIVATELY OWNED
25 LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE NOT

1 (D) ANY CITY OR TOWN THAT IS NOT ZONED AND THAT DOES
2 NOT CHOOSE TO APPLY FOR PLANNING FUNDS FROM THE
3 ADMINISTERING AGENCY SHALL BE REQUIRED TO APPLY IF A
4 PETITION FOR REFERENDUM IN FAVOR OF PLANNING SIGNED BY AT
5 LEAST 15% OF THE REGISTERED VOTERS OF THAT CITY OR TOWN IS
6 PRESENTED TO THE ADMINISTERING AGENCY THROUGH THE LOCAL
7 GOVERNING BODY.

8 (E) ANY COUNTY THAT IS NOT PLANNED MAY APPLY TO THE
9 ADMINISTERING AGENCY FOR FUNDS TO IMPLEMENT PLANNING
10 PROCEDURES ON FORMS AND IN THE MANNER TO BE DETERMINED BY
11 THE ADMINISTERING AGENCY.

12 (F) ANY COUNTY THAT IS NOT ZONED AND THAT DOES NOT
13 CHOOSE TO APPLY FOR PLANNING FUNDS FROM THE ADMINISTERING
14 AGENCY SHALL BE REQUIRED TO APPLY IF A PETITION IN FAVOR OF
15 APPLYING FOR PLANNING FUNDS SIGNED BY AT LEAST 15% OF THE
16 REGISTERED VOTERS OF THAT COUNTY IS PRESENTED TO THE
17 ADMINISTERING AGENCY THROUGH THE LOCAL GOVERNING BODY.

18 (G) A CITY, TOWN, OR COUNTY THAT APPLIES FOR FUNDS BUT
19 WHOSE APPLICATION IS TURNED DOWN MAY BEGIN PLANNING WITH ITS
20 OWN FUNDS.

21 (H) NO CITY, TOWN, OR COUNTY MAY BE REQUIRED TO
22 PREPARE A PLAN UNLESS PLANNING FUNDS ARE MADE AVAILABLE BY
23 THE ADMINISTERING AGENCY.

24 (I) FOR THE PURPOSES OF THIS ACT, "COUNTY" SHALL MEAN
25 THE AREA WITHIN A COUNTY BUT OUTSIDE THE CORPORATE LIMITS OF

1 CITIES AND TOWNS IN THAT COUNTY.

2 (A) PLANNING EFFORTS UNDERTAKEN BY ANY CITY, TOWN, OR
3 COUNTY MAY BE THROUGH JOINT, CONSOLIDATED, CITY,
4 CITY-COUNTY, OR COUNTY PLANNING BOARDS SUBJECT TO THE
5 PROVISIONS FOR SUCH BOARDS IN TITLE 11, CHAPTER 38.

6 (2) (A) AGENCIES APPLICATION BY THE GOVERNING BODY AND
7 SELECTION FOR PARTICIPATION BY THE ADMINISTERING AGENCY OR A
8 DECISION TO PLAN WITHOUT FUNDS FROM THE ADMINISTERING
9 AGENCY, the governing body shall establish a planning
10 process in accordance with Title 11, chapter 38, or that
11 chapter as it may be amended or recodified, and shall have
12 inventoried INVENTORY all land within its jurisdictional
13 area according to the general land-type categories described
14 in this section or existing planning categories if they
15 generally conform to this act. THIS INVENTORY SHALL BE
16 COMPLETED WITHIN 1 YEAR FROM THE DATE OF NOTIFICATION THAT
17 FUNDS ARE AVAILABLE BY THE ADMINISTERING AGENCY OR THE
18 GOVERNING BODY.

19 (B) The land and land usage inventory includes
20 SHALL INCLUDE, as a minimum, the following:

21 (i) a map or maps showing the floodplain or all
22 streams and rivers;

23 (ii) a map or maps showing areas unsuitable for
24 development because of flood hazard, excessive slopes, or
25 high groundwater;

1 (iii) a map or maps showing current vegetation
2 patterns, that is, cropland, irrigated land, rangeland,
3 grazing land, native grassland, forest and woodland, and
4 nonproductive land;

5 (iv) a map or maps showing agricultural capability of
6 lands as classified according to the U.S. soil conservation
7 service agricultural land classification;

8 (v) a map or maps showing the existing use of all
9 privately owned land within the jurisdiction;

10 (vi) a map or maps showing all lands owned by federal,
11 state, and local agencies, all Indian reservations, and all
12 privately owned lands;

13 (viii) A MAP OR MAPS SHOWING KNOWN MINERAL DEPOSITS;

14 (viii) a map or maps showing and describing
15 existing or proposed zoning within the corporate limits of a
16 class 1 or class 2 city;

17 (ix) a map or maps delineating and describing the
18 central business district, core area (for class 1 and class
19 2 cities), civic band, urban SUBURBAN band and rural land
20 and neighborhood commercial should-it-exist AREAS, IF ANY,
21 within the municipality.

22 (b)(1) Guidelines for the preparation of items (a)(i)
23 through (viii) shall be made available to the governing
24 body by the administering agency.

25 (d) QUALIFICATIONS FOR THE CERTIFICATION OF A CITY.

1 COUNTY, OR CITY-COUNTY PLANNER IN CHARGE OF THE PROPOSED
2 PLANNING SHALL BE MADE AVAILABLE BY THE ADMINISTERING
3 AGENCY, AND NO CITY OR COUNTY MAY RECEIVE PLANNING FUNDS
4 UNTIL ITS PLANNER IN CHARGE IS CERTIFIED BY THE
5 ADMINISTERING AGENCY. A GOVERNING BODY NEED NOT HAVE A
6 FULL-TIME CERTIFIED PLANNER, BUT THE LOCALITY'S PLANNING
7 MUST BE UNDER THE DIRECTION OF A CERTIFIED PLANNER.

8 (2) After collection, this data shall be displayed in
9 public for a minimum of 30 days. During the period the
10 material is displayed, there shall be notification made THE
11 GOVERNING BODY SHALL PUBLISH NOTICE of a public meeting at
12 which time the materials with INVENTORY AND MAPS SHALL be
13 displayed and described and the method of categorization
14 with CLASSIFICATION SHALL be explained to the general
15 public. Any SUGGESTED changes of land categories suggested
16 CLASSIFICATIONS shall be taken under advisement by the
17 governing body and at their DISCRETION MAY be
18 incorporated into the land inventory. The hearing or
19 hearings shall be completed no later than August 31, 1970 15
20 MONTHS AFTER THE NOTIFICATION OF AVAILABILITY OF FUNDS FOR
21 PLANNING.

22 (3) By October 31, 1979 WITHIN 1 YEAR AFTER THE
23 HEARING OR HEARINGS INDICATED IN 84-1503.11(1), the governing
24 body shall indicate on a map the proposed land
25 classifications within its jurisdiction and prepare the

1 proposed final plan. This plan shall reflect a combination
2 of existing and proposed uses of land in a manner which,
3 through prudent use, embodies both growth and conservation.
4 The plan will incorporate land use goals and policies which
5 indicate the desired standards and direction for future land
6 development and specify the quantities of land needed for
7 future agricultural, residential, commercial, and industrial
8 use. All landowners shall be notified of the proposed
9 classifications. Notification is to be by a method
10 determined by the governing body which assures that each
11 landowner has received a reasonable opportunity to learn of
12 the plan. This notification shall include but not be limited
13 to:
14 (a) the classification or classifications given each
15 individual owner's land;
16 (b) the meaning of the classification; and
17 (c) a time and place for a hearing to be held, within
18 30 days of notification or letter, for purposes of
19 discussing the general classifications. The hearing or
20 hearings shall be completed no later than December 31, 1979
21 AS QUICKLY AS POSSIBLE.

22 (4) By February 29, 1980, within 1/2 years after
23 receipt of funds from the administering agency, a final land
24 use plan shall be prepared by the governing body which will
25 incorporate all data received from inventories and hearings

1 to date. It shall also reflect all of those goals and
2 policies as indicated in subsection (3) of this section.
3 (5) If a city or county has failed to prepare this
4 plan within the required time, the department of community
5 affairs or its agent shall prepare the plan to be
6 completed by January 27, 1981, with all of the incurred costs
7 to be paid by the applicable city or county. The procedures
8 to be followed in this case will be the same as if the plan
9 had been completed by the governing body.

10 (6) (1) Preparation of the plan shall follow four
11 land classification categories: agricultural, residential,
12 industrial, and commercial:

13 (a) Land is classified as agricultural when such
14 action would:

15 (i) encourage the preservation of prime agricultural
16 soils;

17 (ii) encourage the preservation of those limited areas
18 of the state which contain the proper combination of DE soil
19 and topographical characteristics necessary for intense
20 agricultural development;

21 (iii) discourage those uses and activities which are
22 incompatible with the rural and agricultural character of a
23 district;

24 (iv) discourage those uses and activities which would
25 create congestion, noise, or hazards incompatible with

1 recreational activities established on the land; or
 2 (v) encourage the continuation or initiation of
 3 outdoor recreation on suitable lands.
 4 ~~that~~ Land is classified as residential when such
 5 action would:
 6 (i) conserve the character of established residential
 7 neighborhoods as has been done by municipal zoning; or
 8 (ii) encourage the growth of cities and towns in
 9 efficient patterns while discouraging wasteful urban sprawl.
 10 ~~that~~ Land is classified as industrial when such
 11 action would:
 12 (i) be compatible with existing industrial uses;
 13 (ii) protect the surrounding area, through isolation or
 14 natural barriers, from noise, glare, pollution, or other
 15 actions or activities objectionable to the general public;
 16 (iii) group or cluster industrial users into contiguous
 17 locations to avoid industrial spread throughout the
 18 community; or
 19 (iv) encourage industrial users to locate in areas
 20 where prevailing wind and water flow patterns are away from
 21 the community.
 22 ~~that~~ Land is classified as commercial when such
 23 action would:
 24 (i) be compatible with existing commercial uses;
 25 (ii) provide locations so that the community is

1 afforded convenient access to needed services within the
 2 area;
 3 (iii) reflect the highest and best use of the land; or
 4 (iv) promote compatible and commercial area
 5 developments that will conserve land value and promote
 6 public safety, convenience, prosperity, and welfare.
 7 ~~LEI LAND MAY BE CLASSIFIED AS NONPRODUCTIVE IF IT~~
 8 ~~MEETS THE CRITERIA OF 84-7504.1(2)(B) IN ANY OF THE~~
 9 ~~SUBCLASSIFICATIONS LISTED IN THIS SUBSECTION.~~
 10 ~~(G) THE CLASSIFICATIONS NOTED IN 84-7505.1(4) MAY BE~~
 11 ~~SUBDIVIDED BY THE GOVERNING BODY IN ANY MANNER SO LONG AS~~
 12 ~~THEY REMAIN WITHIN THE PRIMARY CLASSIFICATION. ADDITIONALLY,~~
 13 ~~THESE SAME CLASSIFICATIONS MAY OVERLAY CORRESPONDING~~
 14 ~~DIFFERENT ZONING CLASSIFICATIONS SET FORTH IN ANY CITY OR~~
 15 ~~COUNTY ZONING PLAN.~~
 16 ~~(H) THE PROVISIONS OF ANY CLASSIFICATION AS NOTED IN~~
 17 ~~84-7505.1 APPLY ONLY TO THE SURFACE OF THE LAND, AND NO~~
 18 ~~USAGE THAT IS SOLELY BELOW THE SURFACE SUCH AS MINING MAY~~
 19 ~~AFFECT THE SURFACE CLASSIFICATION.~~

20 Section 5. There is a new R.C.M. section numbered
 21 84-7506.1 that reads as follows:

22 84-7506.1. Acceptance of the plan. After the
 23 provisions of 84-7505.1 have been met and all public
 24 hearings held, the governing body shall adopt the final plan
 25 by ordinance. Adoption of the plan shall be completed by

1 February 29, 1988, the proposed ordinance may then be
 2 submitted to the people through referendum procedures under
 3 title 37, chapter 37, or that chapter as amended or
 4 reclassified or corresponding referendum procedures for
 5 cities and towns. The referendum vote shall be completed no
 6 later than April 30, 1988. A majority vote against the plan
 7 in the ensuing referendum repeats the plan in that
 8 jurisdiction and 84-7505.1(4) does not apply to such
 9 jurisdictions. THE QUESTION OF ADOPTING THE FINAL PLAN SHALL
 10 BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY, TOWN, OR
 11 COUNTY IN A SPECIAL ELECTION OR IN THE NEXT GENERAL
 12 ELECTION. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON
 13 THE QUESTION VOTE AGAINST THE PLAN, THE FINAL PLAN MAY NOT
 14 BE ADOPTED AND THE PROVISIONS OF 84-7505.1(4) DO NOT APPLY.
 15 IF THE MAJORITY OF THOSE VOTING ON THE QUESTION FAVOR THE
 16 ADOPTION OF THE PLAN, THE GOVERNING BODY SHALL ADOPT THE
 17 FINAL PLAN BY ORDINANCE.

18 Section 6. There is a new R.C.M. section numbered
 19 84-7507.1 that reads as follows:

20 84-7507.1. Subclassification by owners of land
 21 classified as agricultural. (1) Within 2 years following the
 22 classification of land as agricultural, an owner thereof may
 23 elect to subclassify his lands into Classes A, B, C, D, or
 24 any combination thereof. In addition, upon election by the
 25 owner and with the approval of the governing body,

1 agricultural land may be subclassified as recreational Class
 2 E or F. The department of revenue, upon receipt of the
 3 owner's election, shall revise the previously appraised
 4 EXISTING TAXABLE value of such lands as follows:

5 1A1 Class A--the appraised TAXABLE value is reduced
 6 25% from the current level + OR 50% if prime agricultural
 7 and is thereafter maintained at an appraised value of 75% of
 8 the tend value + 50% if prime agricultural. IHAI LEVEL as
 9 long as it remains in Class A.

10 1B1 Class B--the appraised TAXABLE value is reduced
 11 15% from the current level + OR 30% if prime agricultural
 12 and is thereafter maintained at an appraised value of 85% of
 13 the tend value + 30% if prime agricultural. IHAI LEVEL as
 14 long as it remains in Class B.

15 1C1 Class C--the appraised TAXABLE value shall be in
 16 accordance with Title 84, sections 437.1 through 437.17, or
 17 those sections as they may be amended or recodified.

18 1D1 Class D--the appraised TAXABLE value is increased
 19 10% OR 20% IF PRIME AGRICULTURAL from the current level and
 20 is thereafter maintained at an appraised value of 110% of
 21 the tend value IHAI LEVEL as long as it remains in Class D.

22 1E1 Class E--the appraised TAXABLE value is reduced
 23 25% from the current level and is thereafter maintained at
 24 an appraised value of 75% of the tend value IHAI LEVEL as
 25 long as it remains in Class E. This reduction in appraised

1 subclassification is to Class D, it shall not be granted
 2 until the petitioner has first paid the difference in taxes
 3 which would have been paid since the subclassification or 10
 4 5 years, whichever is less, if during that period that land
 5 had been subclassified as Class D.
 6 (5) The owner of Class D land, OR his heirs,
 7 successors, or assigns, may petition the governing body for
 8 reclassification into another subclassification at any time,
 9 which petition shall be granted.

10 (6) The owner of Class E land, OR his heirs,
 11 successors, or assigns, shall, under a minimum 10-year
 12 agreement with the department of fish and game, AEIER
 13 APPROVAL BY THE GOVERNING BODY, permit public access across
 14 the land for recreational purposes, subject to such
 15 reasonable limitations for the protection of the land and
 16 the privacy of the persons residing thereon as the owner may
 17 stipulate. However, in every case, the access may only be
 18 from a public thoroughfare, through private lands, to public
 19 lands. If this agreement or a renewal thereof is not in
 20 force, the subclassification of the land reverts to Class D.
 21 The owner of Class E recreational land, OR his heirs,
 22 successors, and OR assigns, may not change the use of such
 23 land to any purpose incompatible with established
 24 recreational uses during the term of an agreement with the
 25 department of fish and game.

1 TAXABLE value applies after the Class A B OR C reduction
 2 for agricultural land has been applied and applies only to
 3 that portion of the land used as public access.

4 (E) Class F--the appraised TAXABLE value is reduced
 5 40% from the current level and is thereafter maintained at
 6 an appraised value of 60% of the land value THAT LEVEL as
 7 long as it remains in Class F. This reduction in appraised
 8 TAXABLE value applies after the Class A B OR C reduction has
 9 been applied and applies only to that portion of the land
 10 used for public camping and overnight stay, as designated by
 11 the property owner.

12 (2) The owner of Class A land, OR his heirs,
 13 successors, or assigns, may not convert the use of such
 14 lands to any nonagricultural purpose for 25 years, nor may
 15 the subclassification be changed for 25 years.

16 (3) The owner of Class B land, OR his heirs,
 17 successors, or assigns, may not convert the use of such land
 18 to any nonagricultural purpose for 10 years, nor may the
 19 subclassification be changed for 10 years.

20 (4) The owner of Class C land, OR his heirs,
 21 successors, or assigns, may change the subclassification
 22 within the agricultural classification at any time and may
 23 SHALL petition the governing body at any time for
 24 reclassification into another subclassification. The
 25 governing body may grant this petition provided that if the

1 (7) The owner of Class F land OR his heirs,
 2 successors, or assigns shall, in addition to meeting the
 3 criteria of subsection (6) of this section, agree to allow
 4 public camping and overnight stay upon the property in
 5 designated locations without charge. If this agreement or a
 6 renewal thereof is not in force, the subclassification of
 7 the land reverts to the provisions for Class E recreational
 8 land as set forth in subsection (6) of this section.

9 (8) If a voluntary subclassification of land has not
 10 been made by the owner of record within the 2-year period,
 11 the department of revenue shall automatically place the land
 12 in Class D.

13 (9) Agricultural buildings may be constructed on ANY
 14 CLASS OF agricultural land at any time without penalty AND
 15 SHALL BE TAXED AT 100% OF TAXABLE VALUE.

16 ALL LAND TAKEN FROM ANY CLASSIFICATION OF THIS SECTION
 17 AND STRIP-MINED SHALL BE TAXED UNDER THE PROVISIONS OF
 18 84-7510.1 UNTIL IT IS RECLAIMED. HOWEVER, NO LAND MAY BE
 19 TAKEN FROM AGRICULTURAL USE UNTIL THE PROVISIONS OF
 20 84-7517.1 HAVE BEEN MET.

21 Section 7. There is a new R.C.M. section numbered
 22 84-7508.1 that reads as follows:

23 84-7508.1. Land classified as residential --
 24 assessment provisions. The governing body shall identify
 25 those lands within its jurisdiction whose highest and best

1 purpose is determined to be residential and these lands so
 2 designated shall be a part of the final plan as called for
 3 in 84-7505.1(4)(5). Plans for residential land shall further
 4 be incorporated according to the most desirable types of
 5 residential buildings for the land categories. These
 6 categories can be but are not limited to single family (low
 7 density), single family (high density), duplex, multifamily
 8 (low density), and multifamily (high density). All new
 9 construction of residential buildings shall receive tax
 10 benefits or penalties based on their compliance with the
 11 land use categories established by the governing body.
 12 Benefits and penalties for new construction shall apply to
 13 the land and the improvements thereon and will be in
 14 accordance with the following:

15 (1) EXISTING EXISTING vacant unimproved land within
 16 the civic band and classified as residential IN CITIES OR
 17 TOWNS THAT SHOWED POPULATION GROWTH IN THE LAST CENSUS
 18 PERIOD shall be taxed at current appraised TAXABLE values
 19 for 5 years after passage of this act. If at that time the
 20 land is still vacant, 2 1/2% shall be added annually to the
 21 appraised TAXABLE value for tax purposes to a maximum of
 22 25%. Thereafter, the land shall continue to be taxed at 12 1/2%
 23 of appraised TAXABLE value until such time as it is
 24 converted to residential use DEVELOPED, IF VALUATION
 25 UNIMPROVED LAND IS NOT MARKETABLE BECAUSE OF LOCAL

1 reached in the 20th year. Subsequent in subsequent years,
 2 the property shall use the appraised be taxed at 100% of
 3 taxable value.
 4 (4) NEW residential construction on land CLASSIFIED
 5 AS OTHER THAN RESIDENTIAL within the urban SUBURBAN band
 6 SHALL BE TAXED AT 125% of appraised TAXABLE value--which
 7 rate it shall remain for 10 years. Beginning with the 11th
 8 year, the percentage shall be reduced annually by equal
 9 increments over a 10-year period until the appraised TAXABLE
 10 value is reached in the 20th year. Subsequent in subsequent
 11 years, the property shall use the appraised be taxed at 100%
 12 OF TAXABLE value. THE TAXABLE VALUE SHALL BE REDUCED 10% IF
 13 THE RESIDENTIAL BUILDING IS CONSTRUCTED ON NONPRODUCTIVE
 14 LAND.
 15 (5) NEW residential construction on NONPRODUCTIVE
 16 land classified as nonproductive--beyond OTHER THAN
 17 RESIDENTIAL within the urban SUBURBAN band other than--of
 18 this section--SHALL BE TAXED AT 110% of appraised
 19 TAXABLE value--which rate it shall remain for 10 years.
 20 Beginning with the 11th year, the percentage shall be
 21 reduced annually by equal increments over a 10-year period
 22 until the appraised TAXABLE value is reached in the 20th
 23 year. Subsequent in subsequent years, the property shall use
 24 the appraised be taxed at 100% OF ITS TAXABLE value.
 25 (6) NEW residential construction on land classified

1 CONDITIONS. THE GOVERNING BODY SHALL GRANT ZONING VARIANCES
 2 TO CONFORM WITH ESTABLISHED NEIGHBORHOOD PATTERNS THAT WILL
 3 INCREASE THE MARKETABILITY OF SUCH LAND. THE GOVERNING BODY
 4 IN ACCORDANCE WITH 84-7517.1 MAY EXTEND THE 5-YEAR PERIOD AS
 5 TO EXISTING RESIDENTIAL SUBDIVISIONS IN WHICH THE VACANT
 6 LOTS ARE BEING DEVELOPED BY NEW RESIDENTIAL CONSTRUCTION
 7 WITHIN A REASONABLE TIME UNDER EXISTING ECONOMIC CONDITIONS.
 8 (2) residential construction on land
 9 SERVED BY MUNICIPAL WATER, SEWER, AND STREET SYSTEMS, THAT
 10 IS within the civic band designated for that use SHALL BE
 11 TAXED AT 90% of appraised TAXABLE value--which--rate--it
 12 shall--remain for 10 years. In the 11th and all subsequent
 13 years, the appraised value--shall--be used PROPERTY SHALL BE
 14 TAXED AT ITS FULL TAXABLE VALUE.
 15 (3) A CITY THAT IS UNDER THE PROVISIONS OF THIS ACT
 16 MAY, WITH COUNTY APPROVAL AND FOR THE PURPOSE OF DEVELOPING
 17 A BENEFICIAL GROWTH PATTERN, EXTEND THE PROVISIONS OF
 18 SUBSECTION (2) INTO AREAS DESCRIBED AS THE SUBURBAN BAND
 19 EVEN IF THE COUNTY HAS NOT ADOPTED A FINAL PLAN.
 20 (4) NEW residential construction on land designated
 21 for other than residential use within the civic band SHALL
 22 BE TAXED AT 125% of TAXABLE value--which--rate--it--shall
 23 remain for 10 years. Beginning with the 11th year, the
 24 percentage shall be reduced annually by equal increments
 25 over a 10-year period until the appraised TAXABLE value is

1 as productive agricultural but not prime agricultural and
 2 beyond the urban SUBURBAN band SHALL BE TAXED AT 16% OF
 3 appraised TAXABLE value--at which rate it shall remain for
 4 10 years. Beginning with the 11th year, the percentage shall
 5 be reduced annually by equal increments over a 10-year
 6 period until the appraised TAXABLE value is reached in the
 7 20th year. Subsequent IN SUBSEQUENT years, THE PROPERTY
 8 shall use the appraised BE TAXED AT 100% OF ITS TAXABLE
 9 value.
 10 (1) NEW residential construction on land classified
 11 as prime agricultural SHALL BE TAXED AT 20% OF appraised
 12 ITS TAXABLE value, at which rate it shall remain for 10
 13 years. Beginning with the 11th year, the percentage shall be
 14 reduced annually by equal increments over a 10-year period
 15 until the appraised ITS TAXABLE value is reached in the 20th
 16 year. Subsequent IN SUBSEQUENT years, THE PROPERTY shall
 17 use the appraised BE TAXED AT 100% OF ITS TAXABLE value.

18 (1) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY
 19 NEW RESIDENTIAL CONSTRUCTION ON LAND CLASSIFIED AS
 20 NONPRODUCTIVE OR PRODUCTIVE AGRICULTURAL BUT NOT PRIME
 21 IRRIGATED AGRICULTURAL IF THE LAND DOES NOT REQUIRE WATER
 22 AND SEWER SERVICES FROM A UNIT OF GOVERNMENT AND IS ZONED
 23 FOR RESIDENTIAL USE OR IS RESTRICTED BY SUBDIVISION
 24 COVENANTS THAT MEET OR EXCEED MINIMUM FEDERAL HOUSING
 25 STANDARDS.

1 Section 9. There is a new P.C.M. section numbered
 2 94-7509.1 that reads as follows:
 3 84-7509.1. Land classified as commercial -- assessment
 4 provisions. The governing body shall identify those lands
 5 within its jurisdiction whose highest and best purpose is
 6 determined to be commercial, and the lands so designated
 7 shall be a part of the final plan as called for in
 8 84-7509.1(4)---Att-new-construction 84-7509.1(5). OWNERS of
 9 commercial buildings UNDER CONSTRUCTION shall receive tax
 10 benefits or penalties based on their compliance with the
 11 land use categories established by the governing body.
 12 Benefits and penalties for new construction shall apply to
 13 the land and the improvements thereon and will be in
 14 accordance with the following:

15 (1) Existing vacant unimproved land within the core
 16 area and classified as commercial shall be taxed at current
 17 appraised TAXABLE values for 5 years after passage of this
 18 act. If at that time the land is still vacant, 5% shall be
 19 added annually to the appraised TAXABLE value for tax
 20 purposes to a maximum of 50%. Thereafter, the land shall
 21 continue to be taxed at 150% of appraised TAXABLE value
 22 until such time as it is converted to commercial use.

23 (2) New commercial construction or expansion of an
 24 existing commercial enterprise within the core area shall
 25 MAY not be taxed during the 115 construction period. the IN

1 THE first year after construction with IS COMPLETED, THE
 2 PROPERTY SHALL be taxed at 10% of the appraised IIS TAXABLE
 3 value. Each year thereafter with THE PERCENTAGE SHALL be
 4 increased by 10% until the appraised TAXABLE value is
 5 attained in the 10th year. Subsequent IN SUBSEQUENT years,
 6 THE PROPERTY shall use the appraised BE TAXED AT 100% OF
 7 TAXABLE value.

8 (3) New commercial construction or expansion of an
 9 existing commercial enterprise within the civic band and IN
 10 AN AREA designated by the governing body as a neighborhood
 11 commercial area--shall MAY not be taxed during the
 12 construction period. The IN THE first year after
 13 construction with, THE PROPERTY SHALL be taxed at 20% of the
 14 appraised IIS TAXABLE value. Each year thereafter with THE
 15 PERCENTAGE SHALL be increased by 20% until the appraised
 16 TAXABLE value is attained in the 5th year. Subsequent IN
 17 SUBSEQUENT years shall use the appraised, THE PROPERTY SHALL
 18 BE TAXED AT 100% OF IIS TAXABLE value. NEW COMMERCIAL
 19 CONSTRUCTION NOT INCLUDED IN A NEIGHBORHOOD COMMERCIAL OR
 20 REGIONAL COMMERCIAL AREA SHALL BE TAXED DURING THE
 21 CONSTRUCTION PERIOD, FOR 10 YEARS AFTER CONSTRUCTION, IT
 22 SHALL BE TAXED AT 125% OF TAXABLE VALUE, BEGINNING IN THE
 23 11TH YEAR AFTER CONSTRUCTION, THE PERCENTAGE SHALL BE
 24 DECREASED AT A RATE OF 5% A YEAR FOR 5 YEARS.

25 (4) NEW COMMERCIAL CONSTRUCTION OR EXPANSION OF AN

1 EXISTING COMMERCIAL ENTERPRISE WITHIN THE CIVIC BAND AND IN
 2 AN AREA DESIGNED BY THE GOVERNING BODY AS A REGIONAL
 3 COMMERCIAL AREA MAY NOT BE TAXED DURING THE CONSTRUCTION
 4 PERIOD, IN THE FIRST YEAR AFTER CONSTRUCTION, THE PROPERTY
 5 SHALL BE TAXED AT 33 1/3% OF IIS TAXABLE VALUE, EACH YEAR
 6 THEREAFTER, THE PERCENTAGE WILL BE INCREASED BY 33 1/3%
 7 UNTIL THE FULL TAXABLE VALUE IS REACHED IN THE THIRD YEAR,
 8 IN SUBSEQUENT YEARS, THE PROPERTY SHALL BE TAXED AT 100% OF
 9 IIS TAXABLE VALUE.

10 (4)(5) New commercial construction or expansion of an
 11 existing commercial enterprise within the urban band shall
 12 be taxed at 50% of the appraised IIS TAXABLE value during
 13 the construction period. After construction, the land and
 14 improvements shall be taxed at 150% of the appraised THEIR
 15 TAXABLE value at which rate it shall remain for 10 years.
 16 Beginning with the 11th year, the percentage OF TAXABLE
 17 VALUE shall be reduced annually by equal increments over a
 18 10-year period until the appraised TAXABLE value is attained
 19 in the 20th year. Subsequent IN SUBSEQUENT years, THE
 20 PROPERTY shall use the appraised BE TAXED AT 100% OF IIS
 21 TAXABLE value.

22 (5)(6) New commercial construction ON LAND CLASSIFIED
 23 OTHER THAN COMMERCIAL or expansion of an existing commercial
 24 enterprise within the rural area shall be taxed at the
 25 appraised 100% OF IIS TAXABLE value during the construction

1 period. After construction is completed, the land and
 2 improvements shall be taxed at 200% of the appraised value.
 3 TAXABLE value at which rate it shall remain for 10 years.
 4 Beginning with the 11th year, the percentage of TAXABLE
 5 VALUE USED shall be reduced annually by equal increments
 6 over a 10-year period until the appraised TAXABLE value is
 7 attained in the 20th year. Subsequent IN SUBSEQUENT years,
 8 THE PROPERTY shall use the appraised BE TAXED AT 100% OF ITS
 9 TAXABLE value.

10 (7) NEW COMMERCIAL CONSTRUCTION OR EXPANSION OF AN
 11 EXISTING COMMERCIAL ENTERPRISE IS NOT ELIGIBLE FOR THE TAX
 12 BENEFITS DESCRIBED IN SUBSECTIONS (2) THROUGH (5) IF IT IS
 13 DEVELOPED SOLELY OR IN PART ON LAND PURCHASED OR CLEARED
 14 THROUGH TAX INCREMENT FINANCING AS PROVIDED IN 11-3921.

15 Section 9. There is a new R.C.M. section numbered
 16 84-7510.1 that reads as follows:

17 84-7510.1. Land classified as industrial -- assessment
 18 provisions. (1) The governing body shall identify those
 19 lands within its jurisdiction whose highest and best purpose
 20 is determined to be industrial, and the lands so designated
 21 shall be a part of the final plan as called for in
 22 94-7505.1(4). At new construction or expansion
 23 of existing industrial buildings and
 24 grounds under construction or undergoing expansion that
 25 increases the taxable value of the property, it shall

1 receive tax benefits or penalties based on their compliance
 2 with the land use categories established by the governing
 3 body. Benefits and penalties for new construction or
 4 expansion shall apply to the land and the improvements
 5 thereon and will be in accordance with the following:
 6 Industrial land and buildings shall be classified as Class
 7 A, B, C, or D for purposes of new construction or expansion
 8 of existing facilities. These tax benefits and penalties for
 9 new construction or expansion shall apply to the land and
 10 the improvements thereon in accordance with these
 11 classifications shall be determined by the governing body
 12 based on compliance with the following environmental
 13 criteria:

ENVIRONMENTAL CRITERIA

15 (2) CONSTRUCTION OF OR EXPANSION OF INDUSTRIAL
 16 BUILDINGS AND GROUNDS:

17 It would (A) would not place unreasonable burden on
 18 existing public services, such as highways, schools, and
 19 police and fire protection;

20 It would (B) would have sufficient water available
 21 for its foreseeable needs;

22 It would (C) would not have significant adverse
 23 effects on the existing natural environment and would not
 24 cause undue air or water pollution or other harm through

25 reclamation the natural environment could be returned to its

1 ORIGINAL CONDITIONS:

2 ~~4--Would (D) would not adversely affect existing land~~
 3 uses, ESTABLISHED scenic characteristics IN THE AREA,
 4 natural resources or property values;
 5 ~~5--Would (E) would have adequate sewage and solid~~
 6 waste disposal facilities.

7 (3) CLASSES A, B, C, AND D SHALL BE DETERMINED AND
 8 TAXED AS FOLLOWS:

9 Class A--complies with criteria ~~4y-2y-3y-4-and-5~~ (2)(A)
 10 THROUGH (2)(E).

11 Class B--complies with criteria ~~3y-4-and-5~~ (2)(C)
 12 THROUGH (2)(E).

13 Class C--complies with criteria ~~2-and-5~~ (2)(B) AND
 14 (2)(E).

15 Class D--other than Class A, B, or C.

LAND CLASSIFICATION	INDUSTRIAL CLASSIFICATION				
	CLASS A	CLASS B	CLASS C	CLASS D	
18 Prime agricultural	+100%	+200%	+300%	+400%	
19 Agricultural	+50%	+100%	+150%	+200%	
20 Residential	+50%	+100%	+150%	+200%	
21 Commercial	-20%	-15%	-0-	+50%	
22 Industrial	-50%	-30%	-10%	+25%	

23 The percentages above reflect the amount in addition
 24 (+) to the appraised TAXABLE value or less than (-) the
 25 appraised TAXABLE value. The THESE percentages OF TAXABLE

1 VALUE shall be continuously applied to the land and the
 2 buildings for 10 consecutive years following THEIR
 3 construction. The construction period shall MAY not be taxed
 4 for new industrial construction or expansion of an existing
 5 industry, EXCEPT AS PROVIDED IN 84-7509(3), (5), (6), AND
 6 (7). Beginning with the 11th year following construction,
 7 the percentage applied to the appraised OF TAXABLE value
 8 shall be adjusted in equal increments until appraised
 9 TAXABLE value is attained in the 20th year. Thereafter,
 10 appraised THE PROPERTY SHALL BE TAXED AT 100% OF TAXABLE
 11 value shall be used.

12 Section 10. There is a new R.C.M. section numbered
 13 84-7511.1 that reads as follows:

14 84-7511.1. Centralized multifamily (high density)
 15 residential developments. New or expanded multifamily (high
 16 density) residential developments outside--of KLHLD the
 17 central business district but OR AN AREA DESIGNATED BY THE
 18 GOVERNING BODY OR THAT IS within the core area or within
 19 1,000 feet of a designated neighborhood commercial area
 20 shall may not be taxed during the construction period. The
 21 first-year--after AFTR construction IS COMPLETED, THE
 22 PROPERTY shall be taxed at 50% of the appraised HIS TAXABLE
 23 value FOR A PERIOD OF 10 YEARS. Each year thereafter with
 24 THE PERCENTAGE OF TAXABLE VALUE SHALL be increased by 10%
 25 until the appraised TAXABLE value is attained in the 5th

1 15TH year. Subsequent IN SUBSEQUENT years, THE PROPERTY
2 shall use the appraised BE TAXED AT 100% OF ITS TAXABLE
3 value.

4 Section 11. There is a new R.C.M. section numbered
5 84-7512.1 that reads as follows:

6 84-7512.1. Planned unit development -- special
7 incentives. Planned unit developments approved by the
8 governing body with SHALL receive tax incentives as follows:

9 (1) Construction of industrial, commercial or
10 residential facilities which conform to the PUD shall MAY
11 not be taxed during the construction period.

12 (2) If the PUD is within the civic band, the first--to
13 years--following construction PROPERTY shall be taxed at 75%
14 of the appraised ITS TAXABLE value FOR 10 YEARS FOLLOWING
15 CONSTRUCTION. Beginning with the 11th year following
16 construction, the percentage applied--to--the--appraised DE
17 TAXABLE value shall be adjusted in equal increments until
18 appraised TAXABLE value is attained in the 20th year.
19 Thereafter, appraised THE PROPERTY SHALL BE TAXED AT 100% OF
20 ITS TAXABLE value shall--be--used.

21 (3) If the PUD is within the urban band, the first--to
22 years--following construction PROPERTY shall be taxed at 90%
23 of the--appraised ITS TAXABLE value FOR 10 YEARS FOLLOWING
24 CONSTRUCTION. Beginning with the 11th year following
25 construction, the percentage applied--to--the--appraised DE

1 TAXABLE value shall be adjusted in equal increments until
2 appraised TAXABLE value is obtained REACHED in the 20th
3 year. Thereafter, appraised THE PROPERTY SHALL BE TAXED AT
4 100% OF ITS TAXABLE value shall--be--used.

5 (4) If the PUD is within the rural area, the first--to
6 years--following construction PROPERTY shall be taxed at 90%
7 of the--appraised ITS TAXABLE value FOR 10 YEARS FOLLOWING
8 CONSTRUCTION. Beginning with the 11th year following
9 construction, the percentage applied--to--the--appraised DE
10 TAXABLE value shall be adjusted in equal increments until
11 appraised TAXABLE value is obtained REACHED in the 20th
12 year. Thereafter, appraised THE PROPERTY SHALL BE TAXED AT
13 100% OF ITS TAXABLE value shall--be--used.

14 (5) IF, THROUGH EFFICIENT LAND USE, DENSITIES IN
15 SINGLE DETACHED DWELLINGS ARE INCREASED TO 12 OR MORE UNITS
16 PER ACRE WITHIN A SUBDIVIDED AREA, THOSE PROPERTIES SHALL
17 HAVE THEIR TAXES REDUCED 10% BELOW THE VALUATION GIVEN AFTER
18 ALL OTHER PROVISIONS OF THIS ACT HAVE BEEN APPLIED. THESE
19 REDUCTIONS SHALL APPLY FOR SO LONG A TIME AS THEIR
20 RESPECTIVE CATEGORIES RECEIVE A TAX REDUCTION.

21 (57161) The provisions of this section are unique and
22 apart from other provisions in this act and shall apply
23 whenever the conditions of a PUD are met.

24 Section 12. There is a new R.C.M. section numbered
25 84-7513.1 that reads as follows:

84-7513.1. Remodeling of homes, buildings or structures -- assessment provisions. (1) Remodeling of existing buildings or structures which results in an increase in the appraised value of at least 5% as determined by the governing body shall receive tax benefits applied to the amount of the increase in appraised value during the construction period and for the next FOLLOWING 5 years in accordance with the following SCHEDULE. THESE PERCENTAGES SHALL BE APPLIED TO ANY INCREASE IN

TAXABLE VALUE CAUSED BY THE REMODELING:

	appraised value increase	assessment percentage
Construction period	0%	
First year following construction	20%	
Second year following construction	40%	
Third year following construction	60%	
Fourth year following construction	80%	
Fifth year following construction	100%	
Following years	100%	

(2) Existing homes, buildings or structures shall remain in their existing taxable classifications reflecting only changes in market value for a period of 10 years following the passage of this act unless remodeled where subsection (1) of this section applies. If an existing home, building, or structure is not remodeled as defined in HRS

CHAPTER within the 10 years FOLLOWING PASSAGE OF THIS ACT, a 5% increase shall be added to the assessed NET TAXABLE value annually EACH YEAR THAT THE OWNER FAILS TO REMODEL to a maximum of 50% for purposes of taxation until the provisions of subsection (1) of this section are met. After remodeling a home, building, or structure has been REMODELED, the provisions of this section shall be considered to be started again with the beginning of a new 10-year period.

(3) The governing body has the authority to waive the provisions of this section if it can be demonstrated that regular maintenance over a period of time has adequately maintained the value of the property SO THAT DEPRECIATION HAS NOT TAKEN PLACE TO LOWER THE VALUE OF THE PROPERTY.

Section 13. There is a new R.C.M. section numbered 84-7514.1 that reads as follows:

84-7514.1. Special conditions. (1) Any land subclassified under this act may be at the owner's option, reclassified at any time to a new subclassification within the same classification if allowed under the specifications of that subclassification as set forth in this act.

(2) Any increase in taxation TAXES NECESSARY to pay for the ANY loss of revenue caused by this act shall be reflected in RAISED BY AN INCREASE IN INCREASED mill rates and not in LEVY RATHER THAN BY an increase in the valuation

1 of specific property.

2 (J) Any property under one or more ownerships owned by

3 ONE OR MORE PERSONS OR COMPANIES may be so classified as to

4 meet one or more of the standards of this act.

5 (4) Hospitals, churches, rest homes, nursing homes,

6 governmental buildings, schools, colleges, or any charitable

7 institution operating on a nonprofit basis EXEMPT FROM

8 TAXATION under 84-202 may be constructed in any of the

9 classified land areas without penalty.

10 (5) Any county containing an industry which THAT can

11 be shown to have a significant impact on a neighboring

12 county or counties shall MAY AT THE REQUEST OF AN AFFECTED

13 COUNTY enter into joint planning strategies with the

14 impacted county or counties for purposes of determining the

15 tax distribution of the industry in relationship to the

16 impact or economic loss sustained in the affected county.

17 Should the tax distribution fail to be negotiated to the

18 satisfaction of any of the affected counties, one

19 representative of the governing body of each of the affected

20 counties shall meet with a member of the planning division

21 of the department of community affairs, as arbitrator, for

22 the resolution of that conflict. Should the arbitration fail

23 to be satisfactory to all arbitrators PARTIES, the matter

24 shall be appealed to district court.

25 (6) The governing body shall have the authority to

1 allow construction of a commercial facility on agricultural

2 land without penalty, if that facility is deemed necessary

3 to fill the needs of the surrounding rural populace.

4 (7) Any aggrieved taxpayer may appeal any decision

5 INVOLVING TAX BENEFITS OR PENALTIES rendered by the

6 governing body under this act to the state tax appeals

7 board.

8 (8) (A) UPON PRESENTATION BY THE OWNER AND

9 VERIFICATION BY THE DEPARTMENT OF ADMINISTRATION, THE

10 GOVERNING BODY SHALL MAKE, IN ADDITION TO ALL OTHERS, THE

11 FOLLOWING VALUE CHANGES FOR SAVINGS IN ENERGY CONSUMPTION,

12 THE FOLLOWING CHANGES IN VALUE IN HOMES, DWELLINGS, OR

13 STRUCTURES SHALL BE BASED ON PROVEN SAVINGS IN ENERGY

14 CONSUMPTION THROUGH THE EFFICIENT USE OF MATERIALS, LOCATION

15 OF STRUCTURE, ORIENTATION, OPENING SIZES, OR OTHER PROVEN

16 METHODS EITHER IN NEW OR REMODELED CONSTRUCTION.

17 (B) THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH

18 RULES DETAILING AVERAGE HEAT LOSS OR GAIN STANDARDS FOR

19 DIFFERENT CLASSES OF STRUCTURES.

20 (C) THE TAX BENEFIT OR PENALTIES SHALL BE DETERMINED

21 BY DETERMINING THE DIFFERENCE BETWEEN THE AVERAGE HEAT LOSS

22 FOR THAT PARTICULAR TYPE OF STRUCTURE AND ACTUAL HEAT LOSS

23 AND APPLYING THE FOLLOWING PERCENTAGES:

24 (1) ENERGY SAVINGS

25 SAVINGS IN B.T.U./SQ. FT. REDUCTIONS IN TAXABLE PERIOD

1	BROUGHT ABOUT THROUGH	VALUES IN CORE, CIVIC	OF
2	ENERGY CONSERVATION	AND RURAL DISTRICTS	YEARS
3	10%	2%	5
4	20%	4%	5
5	30%	6%	7
6	40%	8%	7
7	50% OR OVER	10%	10

III. ENERGY GAIN

9	GAIN IN B.T.U./SQ. FT.	INCREASE IN TAXABLE	PERIOD
10	BROUGHT ABOUT THROUGH	VALUES IN CORE	OF
11	INEFFICIENT BUILDING	DISTRICTS	YEARS
12	DESIGN		
13	10%	4%	10
14	20%	8%	10
15	30%	12%	15
16	40%	16%	15
17	50%	20%	20

18 (D) IT IS THE INTENT OF THE SECTION THAT NO DEDUCTION
 19 UNDER THIS ACT BE ALLOWED FOR CAPITAL INVESTMENT FOR AN
 20 ENERGY CONSERVATION PRACTICE IN THE NEW CONSTRUCTION OF A
 21 BUILDING IF THAT CAPITAL INVESTMENT WOULD HAVE BEEN MADE
 22 UNDER ESTABLISHED STANDARDS OF NEW CONSTRUCTION. THE
 23 DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS LEGISLATIVE
 24 INTENT. THESE RULES SHALL BE BASED ON THE BEST CURRENTLY
 25 AVAILABLE METHODS OF ANALYSIS, INCLUDING THOSE OF THE

1 NATIONAL BUREAU OF STANDARDS, THE DEPARTMENT OF HOUSING AND
 2 URBAN DEVELOPMENT, AND OTHER FEDERAL AGENCIES AND
 3 PROFESSIONAL SOCIETIES AND MATERIALS DEVELOPED BY THE
 4 DEPARTMENT. PROVISIONS SHALL BE MADE FOR AN ANNUAL UPDATING
 5 OF RULES AND STANDARDS AS REQUIRED AND THE READJUSTMENTS
 6 SUBSECTION (1).

7 (9) ANY PROVISIONS OF THIS ACT THAT COULD AFFECT LAND
 8 WHICH WAS UNZONED AT THE TIME OF PASSAGE MAY BE APPLIED AT
 9 THE DISCRETION OF THE GOVERNING BODY IF PLANNING IN
 10 JURISDICTION HAS COMMENCED. SHOULD, AT THE TERMINATION OF
 11 PLANNING, THE PLAN NOT BE ACCEPTED, THE PROVISIONS OF THIS
 12 ACT SHALL BE WAIVED. HOWEVER, NO TAX SAVINGS OR PENALTIES ON
 13 ANY PROPERTY AFFECTED WILL BE RETURNED OR CHARGED TO THE
 14 RESPECTIVE LANDOWNER BY ITS GOVERNING BODY.

15 (10) IF A CITY OR COUNTY IMPLEMENTS THE PROVISIONS OF
 16 THIS BILL AND ANOTHER BODY OF GOVERNMENT DOES NOT, THE TAX
 17 PENALTY OR INCENTIVE USED IN THE CALCULATION OF PROPERTY TAX
 18 SHALL APPLY COUNTY-WIDE ON THE BASIS OF THE FINAL TAXABLE
 19 VALUE ESTABLISHED BY THIS ACT.

20 Section 14. There is a new R.C.M. section numbered
 21 84-7515.1 that reads as follows:

22 84-7515.1. Rules and regulations. The state
 23 administering agency shall adopt such rules and regulations
 24 pursuant to the Montana Administrative Procedure Act as are
 25 necessary for the administration of this act.

1 Section 15. There is a new R.C.M. section numbered
 2 84-7516.1 that reads as follows:
 3 84-7516.1. Exemptions from act. No provision of this
 4 act which has a negative or adverse tax effect IMAI
 5 IMPOSES A TAX PENALTY shall apply to a THE PRIMARY private
 6 residence owned AND OCCUPIED by a person or persons over 62
 7 years of age.

8 Section 16. There is a new R.C.M. section numbered
 9 84-7517.1 that reads as follows:

10 84-7517.1. Changes in boundaries. (1) After final
 11 adoption of plan, the governing body or any property owner
 12 may petition for a change or a change in the boundary of
 13 any land use classification. Within 10 days of receipt of
 14 the petition, the governing body shall forward a copy of the
 15 petition to the affected municipal, regional, or county
 16 planning organization and the appropriate state agencies.
 17 After 60 days but within 120 days or receipt of a petition,
 18 the governing body shall advertise a public hearing to be
 19 held in the county and serve notice on the persons and
 20 agencies that have an interest in the subject of the
 21 petition, at least 10 days prior to the hearing date.

22 (2) No petition shall be approved unless the
 23 petitioner submits to the governing body such information
 24 as to give proof that the area is needed for a use other
 25 than that for which the land is classified and unless AI

LEASING OF THE FOLLOWING CRITERIA APPLY:

(a) the land is NOT usable and OR adaptable for the
 use for which it is proposed CLASSIFIED, or the new use of
 the land would be more beneficial to the area;

(b) conditions and trends of development have so
 changed since the adoption of the existing classification
 that the proposed classification is reasonable and desirable
 and the land is capable of sustaining the use proposed; and

(c) the proposed change shall offer the community OR
INDIVIDUAL AFFECTED relief from impact from CAUSED BY an
 outside or uncontrollable influence facing the community
 because of new and substantial development.

(3) Should the governing body approve the change in
 classification, it shall modify the existing land use plan
 to reflect such changes and shall change any taxable
 valuations as may be necessary.

(4) THE GOVERNING BODY SHALL ACT ON THE PETITION
WITHIN 120 DAYS OF ITS RECEIPT.

Section 17. There is a new R.C.M. section numbered
 84-7518.1 that reads as follows:

84-7518.1. Nonconforming uses. The lawful use of land
 or buildings, existing on the date of establishment of any
 classification or subclassification provided for under this
 act, may be continued UNTIL THE TAX CHANGE although the use
 does not conform to this act until such time as it is

1 remodeled or changed to a different use.

2 Section 18. There is a new R.C.M. section numbered
3 84-7519.1 that reads as follows:

4 84-7519.1. Reappraisal by department AND
5 IMPLEMENTATION OF TAX BENEFITS AND PENALTIES. ALL The
6 appraised TAXABLE value of property shall always include any
7 increases or decreases determined by the department of
8 revenue pursuant to a rectification REAPPRAISAL plan
9 adopted under its authority. Any increases or decreases in
10 value specifically provided for under the terms of this act
11 shall be made after consideration of all such reappraisals.

12 (2) THE DEPARTMENT OF REVENUE AND ITS AGENTS SHALL
13 ENTER ANY INCREASE OR DECREASE IN TAXABLE VALUE REQUIRED BY
14 THIS ACT ON THE COUNTY ASSESSMENT ROLLS.

15 SECTION 19. THERE IS A NEW R.C.M. SECTION NUMBERED
16 84-7520.1 THAT READS AS FOLLOWS:

17 84-7520.1. PREPARATION OF RULES. IN PREPARING RULES TO
18 IMPLEMENT THIS ACT, THE STATE ADMINISTERING AGENCY SHALL
19 ADVISE ALL LOCAL GOVERNMENT BODIES OF PROPOSED RULES,
20 CONSIDER SUGGESTIONS FROM THEM, AND WORK IN CONJUNCTION WITH
21 THEM.

22 Section 19. Severability. If a part of this act is
23 invalid or void, parts that are severable from the invalid
24 part remain in effect. If a part of this act is invalid in
25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the
2 invalid applications.

3 Section 20. Repealer. Sections 84-7502 through
4 84-7526.1 are repealed.

5 Section 20. Effective date. No portion of this act
6 shall become effective until the provisions of 84-7505.1
7 have been met, except for those portions of land classified
8 ZONED, under the provisions of Title 11, Chapter 27, into
9 categories which are consistent with the provisions of this
10 act and as to those portions of land this act shall be OR
11 ON THOSE OTHER PORTIONS OF LAND SPECIFICALLY ALLOWED IN THIS
12 ACT. ON THESE PORTIONS OF LAND THE ACT SHALL BECOME
13 effective on July 1, 1977. All appraisals and
14 classifications made thereafter shall be made pursuant to
15 the provisions of this act.

16 SECTION 21. SEVERABILITY. IF A PART OF THIS ACT IS
17 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
18 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN
19 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
20 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
21 INVALID APPLICATIONS.

22 SECTION 22. REPEALER. SECTIONS 84-7502 THROUGH
23 84-7526.1 ARE REPEALED.

-End-

January 14, 1978
Representative Paul G. Pistoria
District 39, Great Falls, Montana

This transcript is the typed copy from the results of the recorded retape of the Interim Oversight Committee monthly meeting, giving the reasons why the MELDA Program should be implemented in Great Falls, held in Helena at 2:30 P. M., Thursday, November 17, 1977 in Room #225, Capitol Building.

Dr. M. F. Keller, James Woodahl and Dave Gliko, City Attorney, all of Great Falls, requested that they be heard at this regular monthly meeting in order to have the State Revenue Department enforce the implementation of the 1975 H. B. 672 version of the MELDA Program, instead of complying with the 1977 H. B. 630, as amended version, which goes into effect January 1, 1978.

The Interim Oversight Committee is composed of 12 members: 6 State Senators (3 Democrats and 3 Republicans), 6 State Representatives (3 Democrats and 3 Republicans).

- | | |
|---------------------------------|--|
| (1) Senator Larry Fasbender - D | (7) Representative Herb Huennekens, Chr. |
| (2) Senator Thomas E. Towe - D | (8) Representative John Vincent |
| (3) Senator Robert Watt - D | (9) Representative J. Melvin Williams |
| (4) Senator Pat Goodover - R | (10) Representative W. Jay Fabrega |
| (5) Senator William Mather - R | (11) Representative Harrison Fagg |
| (6) Senator Jean Turnage - R | (12) Representative Robert Sivertsen |

Note:

John Vincent was absent. Jean Turnage had to leave prior to voting on MELDA. Proponents were Dr. M. F. Keller, James Woodahl and Dave Gliko, City Attorney. Opponents - Representative Paul G. Pistoria.

The personnel representing the State Revenue Department were Robert Corcoran, Attorney and Dennis Burr, Laury Lewis and 2 others spoke. Director Raymond Dore was not able to attend, but presented a letter.

CHAIRMAN HUENNEKENS: We will proceed next to the discussion of MELDA. In the past this has been a rather emotional subject. Today we are meeting to consider this calmly and quietly and rationally and allow the Committee to get a little background in what is happening in regard to MELDA. I think Dr. Keller has something to say to you.

DR. KELLER: Mr. Chairman and Members of the Committee, I will try to be rational and unemotional and logical, as much as is in my power, as I can be, but I do have sort of a sad story to relate to you.

Now, when the MELDA Law was passed, it said it was one of the things MELDA was supposed to do to enable local control and local decisions to be foremost in determining State growth patterns. Great! Allow taxation on land and structures to be based on proper land utilization, providing for tax incentives and proper land utilization and tax increases for land developmental abuse. Great! And, then, it says in general, to provide for MELDA a land abuse directional policy which will not regulate our future, but rather, motivate into a particular, distinct economical growth based on the development of private enterprise.

Well, I am a private enterpriser. My partner is Tom Selstad, some of you people know Tom. And some years ago, Tom and I began to purchase some rundown property on the lower south side of Great Falls close to the business district. The reason we purchased this property in the first place was not to build an apartment house. The reason we bought it was because we had a sort of a halfway agreement with a commercial concern to build a building for them. This deal fell through. So, for the last several years, we rented this really kind of bad property to people, which was, I would sort of consider it to be sort of, substandard housing, but just in order to get enough out of it to pay our property taxes. So then we decided then to build a 36 unit apartment house, and we hired an architect and started our plans. And up until the time the City of Great Falls City Commission implemented the MELDA laws by resolution in April of this year, we could not get financing. Now, the

son we couldn't get financing, I think, wasn't because the lenders thought we weren't going to pay our bills; I think the problem was that when we showed them financial income statement of what this property was going to do, and what it was going to bring, it looked like, in order to get enough income to pay the taxes which the County Assessor had granted us, sort of an estimation of what they were going to charge that we would have to charge this much tax for a two bedroom apartment and this much tax for a one bedroom apartment; and then, all of a sudden, along come MELDA, and then we thought our problems were solved, and we go to our lending agency to say: Now, instead of paying this much taxes, we are going only have to pay this much under MELDA, and you all read in the paper this last week that the MELDA was implemented in the City, and so we presented in good faith all of the time. We think we are presenting in good faith. The Building and Loan loaned us the money. We took ahold of the 20th of June and stayed going along. In the meantime, the City had sent the Zoning Map into the Department of Revenue in good faith, and an up-to-date map; and you people know, when you have been around cities much, you know that nearly every week there is a little change in zoning. The Revenue Department then comes back and says: This does not conform to our pattern, and you have got to give us some more information, which the City and County Planning Board sent back to them. So then, a while back, then just recently, the Mayor and some others met with some of the people and with the Governor to determine exactly what had to be done to get this law implemented which is on the books. This law was passed by you people in the legislature. In fact, it was passed twice and was never vetoed by the Governor, and the Governor was over in Great Falls, and he said he would do, even though he didn't think it was such a hot idea, this is something sort of like he said. I am paraphrasing what he said that he didn't veto it, but, anyway, he said that he would do everything he could to get this thing going for us. So, then, the Mayor and some of the other city people came over and talked to the Governor, and then there was some other thing discussed at that meeting. (PCP: Yes, he didn't mention penalties.) So, then, we are

now in the final stages of construction of our 36 unit apartment house, and the only way we can make the numbers count any more, if we can't get MELDA implemented, is by raising their rents and making the people who pay there, pay a good deal more than we had anticipated. Now, this isn't going to break me, and it isn't going to break Tom Selstad, but this is the kind of thing that prevents the development, I think, in a city like Great Falls, and this is the kind of thing that leaves the run down buildings there year after year, after year, and nobody does anything about it. The big cry that we hear all of the time is 'why is the downtown area so junky? Why doesn't anybody do anything about it?' I think this MELDA thing was a great thing. I am an example of it. How you can do things with incentive such as granted by MELDA, and now we are going to run into roadblocks, and we don't know what to do.

And I have with me today Attorney Dave Gliko, who is City Attorney, but today is representing some of us developers also, and Jim Woodahl, who has a plan to build a large condominium type structure. And our other people like me in the same fix, and I'll tell you one of your Senators, Bill Low, is in the same fix as I am, and some of his partners purchased a building on Fifth Street and Central Avenue called the 501 Building, and they are completely gutting the building, and they are going to build an office building in there. They started this thing after MELDA was implemented. They are very concerned about this as are other builders in Great Falls, who are not here today but who are joining us in some complaints about the way the Revenue Department is treating your bill that was passed. And these things kind of disturb me, gentlemen, because I think from what I have read in the law and some legal opinions we have had, it indicates that the law is a pretty good law and you can work it; and another thing, it seems to me like whenever one thing is raised, something else is raised, and I am not really sure that the people in the Department really want to implement this law. Now I am sure. This is my own opinion. This is what I think. This is what it seems to me to be like. Thank you.

CHAIRMAN HUENNEKENS: Thank you, Dr. Keller. Jim Woodahl will now speak.

JIM WOODAHL: Thank you, Mr. Chairman. I am Jim Woodahl of Great Falls. I thought the Doctor (Keller) was very tactful. I am not being quite so tactful, but will still try to be unemotional. We started a 3 million dollar project in downtown Great Falls that the 10 year program applies to and feel we have had some encouragement from the Department of Revenue people that you can count on your tax benefit, one in April spelling out the same and one in May after the City adopted the resolution, and we figured it was in good faith, and I have signed a very sizable note and mortgage, and we proceeded. The Doctor mentioned that some of these were brought up at the meeting over here with the Governor. Well, prior to that the Department of Revenue come back twice saying that our zoning map was not consistent, in our judgement, with the provisions of the Act. Now, if I may, I would like to read the last section of the Act: 84-75.6 Effective Dates: A portion of this Act shall become effective if the provisions of Sections 84075 have been met except for those portions of land classified under the provisions of Title 11, Chapter 27, RCM 1947, which, I understand, is the Zoning Section, into categories which are consistent with the provisions of this Act and as to those portions of land, this Act shall be effective on January first of 1976. Now, we interpret that to mean that if a city has already been zoned, a great deal of effort has gone into the planning where you can have industrial, commercial, residential activities, where we will allow variance for, say, rubbing up against each other, or exceptions thereto, and that the legislature, in their wisdom, weren't going to try writing one law that would coincide with all zoning laws across the State. I think that concludes our case that the legislature wasn't trying to write a law that was going to require everyone to come in and rezone things to apply one general guide line, so we proceed pretty much on that basis, and with encouragement from the Department of Revenue that the hearing which they wrote as an administrative guideline requiring under Section 7507 that they felt was required to review to see that categories were

consistent with the provisions of this Act, that they would not exactly be a rubber stamp, but they certainly wouldn't be coming back and trying to ask us to resolve when in the purpose of the Act in two of the five sections within the prupose, it emphasizes that local control is a guiding force behind this Act, so a lot of us have proceeded in good faith that the Department of Revenue wasn't going to try to stop this thing in the City of Great Falls actively. Well, we had a hearing as required, they felt, under the Act in June, and they extended it for 15 days beyond the hearing to receive initial input. During that fifteen day period, our zoning, our City-County Zoning Board, excuse me, our City-County Planning Board requested our City-County Planning Staff to go through and update our zoning map for all the changes that had been made since January first of 1976, and they did that with a great deal of effort into it, and they got it over to the Revenue Department within that fifteen day period. The Revenue Department chose to ignore the fact that they had received same, and they wrote back a letter to our City Manager, saying that we had not updated our plan, and they found some inconsistencies, but refused to delineate specifically the inconsistencies with the Act. The City reviewed things, and the City Manager wrote a letter back to them saying, "We disagree with your comments, and let me be specific in replying to them." The Department of Revenue wrote a letter back again in effect saying, 'well, one of the inconsistencies we see is that we don't see any agricultural land'. If my memory serves correctly, this was an example of what they said, 'we don't see any agricultural land within the city limits.' Well, that could be understandable. It is really a city; we are not raising wheat there. So the point is that we felt that the Department of Revenue was stretching for reasons not to implement the Act, and I am speaking rather bluntly because I think it is important that everyone understands. So our City by then was beginning to get quite disturbed, so the Mayor and City-County Planning Board Director, a Democratic Commissioner, and two good, loyal Democrats came over to visit with the Governor about it, and his response was, 'Well, if you implement

this Act, fellows, you are going to immediately impose some tax penalties on people'. That cooled off our delegation a little bit because they didn't quite honestly know the Act too well. They came back to Great Falls, and they happened to have a City Commission meeting that same night. At that Commission Meeting they had the wisdom to request that the City Attorney research the Act to see if that was factual or not, and of course, he has handed down an opinion to the Commission, and I will let him expand on that a little bit, saying there were not immediate penalties. Well, in the interim, I guess the Governor's office and the Department of Revenue both learned that, gee, that didn't quite scare them off; they are going to look into the facts legally, so there is communication from them to our City Official saying, 'well, you must have misunderstood us. We weren't talking about immediate penalties', and they backed off that position, or stated in simple terms, the legal pressure didn't work. Now, our City has again taken the stance that they will proceed with the resolution passed unanimously saying they will do whatever is required to see that the Act is implemented. Frankly, they are a little teed off.

Several developers, there is at least a dozen or so of us, have hired our former Mayor (Don Ostrem), who is an attorney to represent us in a law suit against the State. At the last Commission Meeting, it was requested that City Attorney meet and work with our attorney to devise the next step of action. Now, I just have, after that little bit of background, I just have really two questions of the legislature. The first one is:

Is our interpretation correct that this last section of the law was meant to say that the law is effective January first of 1976, if you have a zoned city and have generally complied with some very broad guidelines set down in the law which just said things like residential land is used for residential purposes, agricultural land to grow things on, etc., or was the intent to turn over to a department here in Helena to rezone our City? I don't think I am begging the question in putting it in that rather obvious sort of response that I am looking for, couching the question in that

way, but that is the position that the Department of Revenue is trying to put the City of Great Falls in.

Secondly, I would ask if this Committee feels that the intent of the legislature was that the benefits flowing to some development would not follow through for the period of time specified; that is, if you were in the core plus 900 feet that you would get 10 year tax benefit, not that it would die January first of this year? Again, I have a letter from the Department of Revenue saying that is how they interpret the Act, but I would request that you could give us response on both those points, if you would please? Thank you.

CHAIRMAN HUENNEKENS: Thank you, Mr. Woodahl. Now, I think there may be other pro contributions to be made by people that you brought with you.

MR. WOODAHL: Yes, Mr. Gliko.

MR. GLIKO: (City Attorney) Gentlemen, it is true that the City of Great Falls and I, personally, have been in contact with the Department of Revenue since the meeting of our Mayor, and others, with the Governor, and, not to go back over the old ground covered, apparently the question, or issue, was raised in the Governor's Conference as to the immediate penalties that might apply upon implementation of MELDA. Who knows how that question was raised, or impression left. In any event, in my research and communication with the Department of Revenue, we agreed that there are no immediate penalties that apply, so I don't think it is necessary to go back over that ground unless somebody here has some question about that.

I think we are in agreement that there are no immediate penalties. It is kind of difficult as far as the real issue as to where this leaves Great Falls and its implementation plan. I understand specifically involved in the City's program as it went along with this exception, two issues that came up. The most recent one, the question of immediate penalties, but in trying to determine how we proceed from here, it seems to me, there is two ways to implement MELDA, either you have a zoning plan that will work under it, or if you don't, then you have the other option of devising

a plan and going to public hearings, and so on and so forth, and submitting that plan to the Department of Revenue. Well, as our time clock stands right now, there is no longer time to go back to start one and create a new independent plan, independent of zoning plan, because we don't have time to publish notice for it. We don't have time to prepare an independent plan, and we don't have time to publish notice of public hearings, and we don't have time to hold a public hearing before December 31st when this legislation expires. So that option is out.

The only other option that is left to us is to somehow implement through our zoning law. Now, I have, as you have read in the paper, I have been advised, I am under direction to meet with the attorney for the developers here, Mr. Ostrem; I assume that meeting will take place Monday or Tuesday; and review this problem and decide how we go about implementation. So I am speaking a little bit prematurely, but it seems to me that there is a good argument under the Act for a position that, if you have a zoning plan, then you qualify for benefits under MELDA, that under the section that Mr. Woodahl read to you, the effective date of the MELDA Act, under Section 84 75.6, it says no portion of the Act shall become effective until the provisions of Section 84 7505 have been met except there was portions of land qualified under the provisions of Title 11, Chapter 27, RCM 1947, and that is the zoning law and that Section of law gives cities the authority to go about enacting their zoning laws. Under that exception, which says that where they are consistent with the provisions of this Act, and as to those portions of land, this Act shall become effective on January 1, 1976, so the City of Great Falls has a zoning plan. The only question that I think that raised is that exactly what the MELDA intent was in saying that it was going to be effective January, 1976 where those categories are consistent. What does he mean by 'those categories are consistent'? Does that mean that someone has to review it, or does that mean that your zoning law is effective, or someone, some time, may challenge it on the basis that it is not consistent? If you look under that Section of 84 7505, where the legislation speaks

of the local governing body adopting its own independent plan that is something other than the zoning plan they may or may not have, now in sub-Section 5, it says that final plans shall be prepared by the governing body, the plan which reflects the combination of existing uses, prudent in cups and growth in conservation, and so on. This plan shall be submitted to the State Administration Agency not later than January 2, 1978. The plan they are speaking of is this independent plan which has been prepared, and as far as I can find in here, it is the only direct statement that says that, that is the plan to submit to the State Agency. You know, we have kind of rolled along here under the assumption that all the plans, no matter whether they are zoning plan, or independent plan, or whatever, would be submitted to the State Agency, but I am not convinced that that is what the legislation provides, and maybe you can better answer that, as far as legislative intent, and I am not sure why we are here today, what power you may have to help us, or otherwise. It is true that the City of Great Falls did pass a resolution saying that they would do everything possible to implement the plan. I am assuming that holds good and true, and means that every effort will be made including legal action, if necessary.

It is something that, I think, the City wants; that the City Commission is convinced it will be good for the City.

I guess I don't have anything else unless you have some questions.

CHAIRMAN HUENNEKENS: Are there others who want to testify in support of Dr. Keller's position? If there are not, Representative Pistoria has asked if he may make a statement. He may.

REPRESENTATIVE PISTORIA: May I take a chair and sit at your table?

CHAIRMAN HUENNEKENS: You may.

REPRESENTATIVE PISTORIA: Mr. Chairman and Committee Members: I am a legislator; I am not an attorney, but I do feel that I do have something to offer why this MELDA version in 1975 cannot be implemented at this time. I am not here to make enemies with my friends in Great Falls, or attorneys, but I feel that I can stand up to most

of the attorneys that are from Great Falls even though they are my friends.

And to start out with, there are 12 members here, 6 are Legislators and 6 are State Senators, and you know what is the process of introducing a bill and having it passed is too long. Even though I am a first term Legislator, and I think I have learned enough about it, when it is passed, it becomes law. And I was not a 1975 Legislator on MELDA when it was passed. That law passed without too much controversy. It was not used at all, no part was used. And during the time of the 1977 Legislature, and there was a H. B. 630 on MELDA to revise the 1975 law, and you all know in the House, even though it was introduced and reversed. No criticism of Mr. Fagg. It was originally killed in the House and was amended and brought back amended, so that it finally passed with some amendments in the House, and then went into the Senate. The Senate really was the ones that had the courage to see what the fallacies in implementing the 1975 law. As you all know, I am not going to go through the whole Bill. But 99% of the people in Montana do not know what it is all about. Many people ask what MELDA is, it will not tell what it is, but it is some nationality version. In my nationality, it means MANOR because I want to interpret that way. But on this, some of the developers don't even understand MELDA. I understand it very well. I don't understand everything. Why did the Senate have the courage to eliminate the Rural? Why did they have the courage to just have it for Urban? And amended for First and Second Class Cities only? And why did they put a dead line to first implement before dead line that you could have MELDA in an area then designated, and then you would have to have 15% petitions of the people in that area and put it to the vote of the people so that had coverage and saw fallacies in it. And then they set the date to be effective January 1, 1978. So again, as not being a lawyer and as being a first term Legislator, when you pass laws, I don't see anything in H. B. 630 that has a grandfather clause passed in this. In other words, H. B. 630, as I remember, I don't have the complete Bill, I have the new

Bill, I don't have the old Bill, and don't have the 1975 law. But the 1975 law was copied as I remember. It was amended to what it is finally today. And all of the controversy that you people were involved in, I just feel legally that the 1975 version cannot be used. In other words, you can only use MELDA, the new version, on January 1, 1978. I am really strong about it, and I have a lot of citizens getting aware of this, what it is all about. I don't say we will, but we might dig up enough money, I don't know if we could, but might even institute a suit against it if it is allowed to be used in the 1975 version. Really, also, I will say this, I should bring these things up.

I think Mr. Jim Woodahl, whoever he represented, did start this project of theirs around June some time. Only in the last, in all of this property that is being built, half of this is not even in the downtown area; it is on 10th Avenue on the east end of town. It's like Rice Motors, Art Wenzek, others like Mr. Hoyt; he built a new office downtown. I appreciate Doctor Keller building at that property and all that, but these fellows, and you people, not being in Great Falls. They never sprung this before, but some way or another, they got together, and they finally decided to form MELDA. Now, how come that they started a lot of these buildings in July and August? Why didn't they pool together and do something about it then? Just the last minute. I don't have the copies here, but you probably can read in the papers, they all want to get on the bandwagon. Now they are trying to get together and fool very competent Legislators, and people like you. I can tell you people work hard and are competent. I don't know how competent I was, but I can't see how they can implement this law.

Concerning penalties, I do not want to discuss this myself. It is mentioned in the law in several places.

The other thing, lot of you people know this, I had this prepared by our Assessor for me. This is what our people are thinking about. I don't know if this is part of this or not. But this is one of my gripes. I never did vote for

this. I never voted for any amendment and voted to kill it. I never was for it for these reasons. Take Great Falls in Cascade County, not this year's mill levy, but last year's mill levy; for \$1,000,000 market value, tax would have been \$34,284. If that was applied to a 9 year period consistently on the property, it would be \$308,556. If it came under the MELDA program, the first year you would only pay 10% of the \$34,284, the second 20%, and so on. In the 9th year, the total tax would be \$154,278. It is exactly only half of the tax that I would pay same amount every year. Well, this only takes in businesses. I want to get my tax, too. Here, our City Commissioners in Great Falls and many of our Cities, at our Commission Meeting the other night, said they could not take on this loss; they could not institute suit against the State; they could not afford it. They didn't want to use the tax dollars, they are out of money. They turned right around, assess you in taxes, and wish this on the average person, and I think most of you Legislators here are competent to know that you just don't beat equality. Sure, I am for private business. I worked for private business all my life. But I think we are reaching a point where a few are getting it all and the rest of us are paying for all. I don't know whether you know this or not, I have been studying pretty carefully, 85% of the taxes paid in the United States are coming from average people. 15% don't pay taxes at all, and that's from non-taxable sources, like bonds. Like in Great Falls, they started the Economic Development and now MELDA, and now they are going, were going to be hit by CCIC, is the name in Great Falls that comes under increment tax. It just is going to be as bad as MELDA. Then, there's the Industrial Park. They said it was for new business, not a new business went in there. They just moved to there, so we didn't get any new business in that area. So, we got to start thinking for all the people, like you people here today, and I know I worked with some of you. You were looking out for not only for one particular group, you were looking out for all the people in Montana. As lawmakers, I don't know if you think the way I do. The way that

Bill was passed. My final remark: The 1975 version is PLUMB DEAD. You can't use it. It has to take effect January 1, 1978.

CHAIRMAN HUENNEKENS: Thank you, Paul.

REPRESENTATIVE PISTORIA: And thank you.

Los Angeles Times

Commerce
MELDA

SUNDAY MORNING, MAY 23, 1976

Exhibit 7
HB 154
11-23-
TESTIMONY
Folio 3.154
Historia

IS IT A GOOD IDEA OR IS IT 'GARBAGE'?

New Land Use Law Baffles Montanans

BY JOHN DREYFUSS
Times Staff Writer

Hal Price, Montana's ordinarily dignified and soft-spoken chief planning administrator, sat in his office flapping his arms.

It would be nice, he said, if he could get to the moon that way.

It would also be nice, Price added, if his state's new land use law would work, but it stood as much chance of working as he stood of flapping his way to the moon.

The year-old Montana Economic Land Development Act (MELDA) is the nation's most radical land use legislation. Unfortunately, it may also be the nation's most confusing land use legislation.

Its goal is clear: Promote good land use by employing tax incentives.

Under the still unimplemented law, if you remodel your home, your taxes drop for five years. Promise to use agricultural land for agriculture, and down zone taxes as much as 20%. Get governmental approval to build a factory on recreational land, and fork over a penalty of up to double your tax bill.

"Garbage," Hal Price calls it.

"It ought to be repealed," said Democratic Gov.



'IT OUGHT TO BE REPEALED'—Gov. Tom Judge opposed bill, but signed it.

Times photo

Tom Judge, who signed the bill into law at the eleven o'clock hour.

"Unconstitutional," declared Dennis Burr, head of Montana's property assessment division in the state Department of Revenue.

"The biggest tax break we've had in this state in a long time," said Tom Winsor, lobbyist for the Montana Chamber of Commerce.

"A damn good bill," said State Rep. Harrison Fagg, which was an unsurprising remark.

MELDA is the brainchild of Harrison Fagg, a Billings architect and developer when he's not busy being a Republican legislator.

Fagg is a dynamo; a man who walks fast, talks fast, acts fast and always has goals—usually he's heading for about six of them simultaneously.

MELDA is his statement. Seeing it work is his goal. He wrote its outline on an airplane between Great Falls and Seattle. Then he promoted, shepherded and some say ramrodded his idea into law.

Wins Legislative Approval

The bill waltzed through Montana's House of Representatives to the tune of a 72-1 landslide. The state senate approved it by a healthy 30-19 margin.

"The legislature didn't know what they were voting on," Gov. Judge said less than a year after enacting the bill.

For starters, legislators voted to put every square inch of Montana into one or more of six categories: agricultural, recreational, residential, commercial, industrial and open space.

So far, just taking that initial step has proved too much for Montana. And beyond that step is a long, steep path full of legal potholes, emotional roadblocks and administrative hairpin turns.

MELDA's problems began, logically enough, at the beginning. The law was badly written. Critics can point to contradictions, ill defined regulations, ambiguous charts, arbitrary tax assessments and, in the words of Dan Obermeyer, president of the Montana Assn. of Planners, "unclear procedures and vague or confusing wording."

All that becomes at least partially understandable when one learns how the law was put together.

Fagg took his outline of the bill—the one he wrote while airborne—and refined it. Then it was assigned to Roger Tippy, an intense, intelligent Yale Law School graduate. Tippy is a staff attorney for Montana's legislative council. He has drafted lots of bills.

The year-old act is
the nation's most radical
land use legislation

*The law's goal is
to promote good land use
by employing tax incentives*

The lawyer spent two frustrating weeks struggling to produce a rough draft of the bill from Fagg's notes. He gave up half way through the job. It couldn't be done right in time for submission to the 1975 legislature, Tippy said.

He tried to convince Fagg to delay the bill. But the legislator's nature is not to delay. He took Tippy's work and his own version of the bill's second half to Tom Keegan, another legislative council staff attorney.

It was a hectic time around the capitol. Bill drafters were swamped with work. Keegan was no exception. So for the most part he just finished Tippy's work by adapting Fagg's words to bill-writing style where necessary, Keegan said.

"I would characterize my participation more as that of a mechanic than a draftsman," said the attorney, who is a friend and admirer of Fagg.

The prospective legislation then went to Mike Matroff, a proofreader employed by the legislature.

"It came down in such an incoherent state that I was assigned to try to get more coherent language in it, but later I was told that was not my job," Matroff said. "We proofed the final version and it didn't make much sense at all."

Approval Came on Final Day

It passed a bleary house of representatives—the next to last bill approved in a meeting which ran from about 9 a.m. to the following 2 a.m. Approval came on the final day of the legislative session that the house could transmit a bill to the senate.

"Many house members assumed the senate would defeat the bill," Tippy said.

Many house members were dead wrong.

After the usual committee reviews and revisions (including a highly unusual number of amendments—about 200, including 148 mostly minor ones by one senator), the bill got senate approval and landed on the governor's desk.

Less than an hour before time was to run out for signing the bill, Judge put his name on MELDA, thereby giving Montana a law peppered with problems.

"If I had it to do over again, I would have vetoed it," he said recently.

Judge indicated he signed the bill because he did not fully understand it ("We have too many bills and not enough staff to analyze all of them"), because it had broad public support, and because it had been so successful in the legislature.

Los Angeles Times PART VII

Real Estate

HOMES and INDUSTRY

★ SUNDAY, MAY 23, 1976



AUTHOR OF BILL—Rep. Harrison Fagg on roof of his Billings office building.

Times photo

Montana's legislators wrote so many problems into the books by passing MELDA for at least four reasons:

- 1—They didn't know what they were doing.
- 2—Harrison Fagg is a relentlessly determined man.
- 3—The law's goals had something for everyone.
- 4—MELDA had support from a king-sized bed full of strange bedfellows.

It is widely conceded that many legislators never read the complicated MELDA before voting on it, and even more of them failed to understand it.

"That bill was one of those that went through without anybody knowing what it was really about," said Herb Huennekans, Democratic senator and retired meteorologist from Billings.

"I'm not sure anyone understands it," said Bob Brown, Republican senator and a rancher from Whitefish.

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Dennis Burr

Tom Winsor

Roger Tippy

Torian Donohoe

Hal Price

Times photos

MONTANA'S NEW LAND USE LAW

Continued from First Page

And Gov. Judge, who had said the legislature passed the bill without understanding it, added that "nobody really knew what it was going to do."

Voting a mystery into law becomes partially understandable when one realizes the Montana legislature schedules only 90 meeting days every other year. The last session took 86 days and lawmakers voted on 1,238 bills. "Legislators," said Gov. Judge, "are overworked."

A second reason MELDA is law is that Harrison Fagg is some kind of 20th century Don Quixote, except that occasionally he beats the windmill.

To knock over opponents of MELDA, Fagg employed a tactic he excels at: salesmanship.

He put together a convincing slide show about his bill and flew his green and yellow Beechcraft Bonanza all over Montana flashing pictures on screens for anyone who would watch.

"I think it did more to get the bill past the legislature than anything else," Fagg said. And he is probably right.

The show emphasized the positive and ignored the negative. "There was just no relationship between the bill and the slide show," said Al Thelan, city manager of Helena.

Thelan overstated the case. There was clear relationship. But the show left out a lot.

Fagg narrated his slides with conviction and vigor. He built enormous support for MELDA.

Supplementing his words with photos of Montana's magnificent landscape, charts, graphs and models made from Monopoly sets and cork, Fagg told Montanans that MELDA would use tax incentives to:

- Stop urban sprawl.
- Foster redevelopment in cities.
- Promote use of non-productive land.
- Save agricultural land from development.
- Encourage home remodeling.
- Increase local control of property.
- And more . . . much more.

Among MELDA's innovative, controversial regulations: —Homeowners get tax reductions for remodeling their homes because remodeling improves neighborhoods. Traditionally, remodeling brings a tax increase on grounds that it raises a home's value.

—Farmers and ranchers who promise to use their land for agriculture—thereby guaranteeing it will not contribute to urban sprawl—get a tax cut.

—The same ranchers can further reduce their taxes by permitting the public to use their land.

—Homeowners who use their land for nonresidential purposes can be required to pay whopping tax penalties.

—Owners of commercial property pay progressively higher taxes if they fail to remodel structures that are more than 10 years old.

"You've got something that sounds like God, country, mother and flag," said Gov. Judge. "You've got a whole lot of organizations that support it."

An unlikely coalition of organizations stood behind the bill; a coalition whose members are often at odds on other issues.

Among active supporters, businessmen were (the Montana Chamber of Commerce), environmentalists (the citizens' Environmental Information Center), farmers (the Montana Farm Bureau Federation) and ranchers (the Montana Stockgrowers Assn.)

Legislators and the governor were under pressure from those and other groups. MELDA became law.

Since then, farm bureau and stockgrowers association support has cooled a lot. Strong opposition has developed from the Montana Assn. of Counties, and the state's departments of revenue and planning. The Montana Assn. of Realtors does not like the law, and the president of the Montana Assessors Assn. labeled it "a screwy deal."

MELDA's strongest supporting organization is the Montana Chamber of Commerce, followed by the Environmental Information Center. Other groups have adopted a wait-and-see posture.

Almost everyone seems to think massive work must be done on MELDA if it is to be saved. Many oppose salvation.

Of five independent experts in the field of land use, taxation, or both, four found more wrong than right with the law.

Bill Press, California's planning director: "I can't believe it. I've never read a worse piece of legislation."

Don Hagman, UCLA law school professor and one of the nation's leading experts on the relationship between taxation and land use: "It's going to be an administrative nightmare."

Michael Mitchell, head of planning for Daniel, Mann, Johnson & Mendenhall, an international planning, architecture and engineering firm, saw more good than bad in MELDA: "It has flaws, but if it goes down the drain there's something basically wrong with our attitudes."

Don McAllister, environmental planning professor at UCLA: "Overall, I don't like the law because we can't estimate in advance the land use patterns that will result from it."

Carlyle Hall, staff attorney for the Los Angeles-based Center for Law in the Public Interest, and an expert in land use litigation: "I felt I didn't really have the complete law. I couldn't figure out how it works."

Hall has lots of company. Almost no one claims to know how the law would work as it is written.

MELDA's supporters think that to give the legislation a fair chance, it should be amended.

"The concept is workable," said Torian Donohoe, staff member of the Environmental Information Center. "but the law must be substantially amended. There are contradictions, but I don't think the law is totally unworkable because of them."

MELDA's opponents think the law should be scrapped. "People involved with administering this law are holding back and praying to God that it will be repealed," said Bob Hoffman, president of the Montana Assessors Assn.

So from either point of view—that of supporter or that of opponent—MELDA cannot work as it now stands. The question Montana's legislators must face when they meet next year is whether to save it or to scuttle it.

TERRIBLY, TERRIBLY COMPLICATED

Countless Problems Plague New Law

For zoned cities, Montana's Economic Land Development Act (MELDA) was supposed to take effect the first day of this year. Or was it?

The year-old land use law—the nation's most radical—gives cities two years from last New Year's Day to divide their land into six categories: residential, industrial, commercial, open space, recreational and agricultural.

But there is a proviso.

Cities have until 1978 to classify land "unless the existing classification system conforms to the provisions of this act."

Apparently that means the two-year grace period does not apply if city zoning classifications can be flopped over into MELDA's six categories.

But MELDA doesn't say who is to decide if existing city zoning areas conform to the new law's designated land use areas.

And if somehow a city decides it has established such conformity, there is no way it can tell from MELDA when to begin implementing the new law.

If conformity cannot be established, the city council is required to make "a complete inventory of the land and its usage . . . including land types based on federal standards."

Nowhere does MELDA define "federal standards," and

there are lots of them that pertain to land types, according to Dan Obermeyer, president of the Montana Assn. of Planners.

Obermeyer also observed that "the single word 'value' is apparently used in the law to mean taxable value, assessed value, appraised value and market value. In some places the word refers to value of land only, and in others to value of both land and improvements."

How carelessly MELDA is written becomes apparent on its first page, where Montana's economic problems are cited as causing "cutbacks in our state's growth and currently lack to proper development."

That nonsense—which is now law—appeared in the bill's introductory draft and remained uncorrected through five rewrites.

Don Hagman, UCLA law professor and an expert in the relationship between land use and taxation, called the law "untidy," "fascinating from an academic point of view," and "terribly, terribly complicated."

One of several "bugs" Hagman cited was that the law's definition of "construction period" did not limit the length of that period.

The fact is important because of sections in the law like the one requiring that "the construction cost and land cost

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LAW'S ENIGMA

Continued from 18th Page

of any commercial development within a classified commercial or residential area shall not be taxed for its construction period."

A builder could theoretically continue the tax free construction period of a development forever, even while simultaneously using it to make money.

Those are just a few examples of almost countless problems plaguing the law that supporters and critics alike cite as the nation's most imaginative and far-reaching legal effort to achieve good land use through tax incentives.

MELDA's supporters focus on the law's potential for doing well by doing good.

"It won't be repealed, not when the word gets out," said Barbara Kennedy, planner for two counties, a city and a town in Montana.

"It gives a person the opportunity to do what he wants to do and it improves the town. It will lead to much more orderly development," she said.

Local control—giving a person the opportunity to do what he wants to do—is one of MELDA's intents.

But there is a great deal of state government regulation written into the law.

Ironically, that is part of its problem. Bureaucrats in state government are fiercely critical of MELDA because they fear problems written into the law, they think it will cut tax revenue in rural counties and they worry about whether their county assessors have what it takes to make MELDA work.

Assessors in Montana are elected, but they work for the state's Department of Revenue. One administrator in that department evaluated assessors' qualifications in a sentence: "The people who work for us in the counties are not very damn sharp."

"As the law sits right now, planners don't like it," said planning association President Obermeyer. "Given a choice between what's on the books and nothing, they'll take nothing."

EXHIBIT
HB 154
1-22-85
Rep. Pistorio

MISSOULA COUNTY COMPREHENSIVE PLAN
AD HOC TASK FORCE ON
LOCAL GOVERNMENT AFFAIRS

The focal point for all activities related to comprehensive planning and land use planning, and the implementation thereof, is local government. The philosophies of local government, the manner in which it conducts itself, the ideology of those involved in the administration of local government, and the way in which local government interacts with its citizens all have a profound effect on the citizens and the quality and style of planning, together with its implementation. In fact, there is no identifiable influence which has a greater effect on the evolution of land use planning, and its implementation, than local government.

Too often, elected officials defer to the hired professional planners, who are active lobbyists for, and proponents of, intensive planning. This partnership between professional planners and elected officials can cause significant intrusion into the private affairs of private citizens. One must realize that the free will of citizens can only be expressed by a natural evolution of their affairs, and that implementation of planning must therefore be in direct conflict with the free will of the citizens. Implementation of planning necessarily requires constraint of the natural evolution of citizens' private affairs.

It is not argued here that there is no need or place for planning of civic affairs, however, it must be kept firmly in mind that there is a significant cost attached to the implementation of planning efforts. That cost is some erosion of the freedom and liberty of the population to guide the course of their own affairs. This cost is especially significant when one considers it against a background of our nation, which is a nation founded upon the principles of freedom and liberty.

While it is admitted that there are benefits to planning and planning implementation, those benefits must be weighed carefully against the serious and certain erosion of freedom necessary to accomplish those benefits. One cannot implement a plan for land use by people without mandating to people how they shall conduct themselves, and one must wonder where the limits of government mandates to a free people should be. Since all government derives its authority from the people, and governs with the consent of the people only, limits on government mandates must be biased in favor of the rights of individual citizens who are the basic unit of a free society.

While these ideals may seem somewhat esoteric when applied to the nuts and bolts of county-level land use planning, there is no level of our system of government where where these principles are more easily demonstrated, or where an inappropriate approach has a more direct effect on citizens, than at the level of local government. It is here that consequences of action need to be most carefully considered.

With the foregoing in mind, the Ad Hoc Task Force on the Local Government Affairs submits the following goals and objectives for inclusion in the developing Missoula City-County Comprehensive Plan. It is intended that these goals and objectives should provide some necessary and operational guidance to local government concerning its involvement in the implementation of land use planning. It is also intended that these goals and objectives should provide some judicious comment about that grey area of interface between citizen and local government, insofar as that interface relates to land use planning.

Since these goals and objectives are directly related to the ISSUE statements derived by the Task Force, the ISSUE document of the task force is attached, as a supplement, to this document.

For purposes of this document, all instances of use of "Planning Department" shall also mean "Office of Community Development", and all instances of use of "planning" shall also mean "community development activities".

GOALS AND OBJECTIVES

GOAL 1: LOCAL GOVERNMENT (ISSUES: #'s 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 39, 40, 42.)

GOAL STATEMENT: Local government must conduct itself with a healthy consideration to the ant's eye view of a citizen observing the actions of government, and must avoid thinking of itself as unique and valid entity of its own creation, with rights and powers inherent to itself and separate from and superior to the rights of individual citizens. Local government must assure a sensativity to preservation of all economic and other freedoms possessed by the people.

OBJECTIVES:

- 1.1 Establish a policy of attention to, and cooperation with, both official and unofficial petitions from citizens. (ISSUE # 19)

- 1.2 Adopt procedures which limit activity of local government and staff to advocacy of only those measures requested by significant numbers of citizens, and which eliminate advocacy of the specific interests of local government and staff. (ISSUE # 20)
- 1.3 Establish a policy for local government and staff which mandates absolute neutrality during petition processes, especially those those which relate to zoning changes. (ISSUE # 21)
- 1.4 Local government should actively encourage and support measures before the state legislature which would improve citizen access to, and streamline the initiative and referendum petition processes, and a legislative mandate for a public vote on adoption of comprehensive plans. (ISSUE # 22 & 23)
- 1.5 Establish policies and procedures which will insure that local government does not work contrary to the interests of the public or the residents of specific local neighborhoods. (ISSUE # 24)
- 1.6 Elected officials must insure, through policies, procedures, and oversight, that they do not abdicate lawful decision making authority in favor of unelected employees of local government. (ISSUE # 25)
- 1.7 A firm policy must be established which would limit the growth of local government budgets and manpower to a rate no greater than the rate of growth of the general population of the governmental unit, using a base date of 1970. (ISSUE # 26 & 27)
- 1.8 Units of local government should establish firm employee supervision policies which would disallow the drafting and advocacy of new regulations by public employees unless an employee is acting at the specific written request of an elected official, for a specific topic. (ISSUE # 29)
- 1.9 Units of local government should insure the establishment of job description and authority lists for all employees and positions of employment. (ISSUE # 30)
- 1.10 Units of local government should cause all consequential public decisions to be made by the electors of the unit by placing questions on the ballot at regularly scheduled elections. (ISSUE # 31)

- 1.11 Units of local government should establish policies designed to limit, to a minimum, those occasions when the requirements of local government exceed, or are more strict than, requirements under state law. (ISSUE # 32)
- 1.12 All public officials are required by state law to take and file an oath of office to uphold and protect the Constitution of the United States and the Constitution of the State of Montana. Procedures should be established to determine that public officials swearing these oaths have some basic level of understanding of these documents, and the consequence and responsibility of the oath. (ISSUE # 33)
- 1.13 Adopt policies which would seriously penalize the administrators of departments which overspend their budgets, without written approval of elected officials. (ISSUE # 34)
- 1.14 Adopt policies whereby any overspending by departments will automatically be paid out of the subsequent year's budget for that department, and whereby any department which overspends its budget would automatically be ineligible for a budget increase the following year, unless such overspending were approved in writing, in advance, by appropriate responsible elected officials. (ISSUE # 35)
- 1.15 Units of local government should adopt a policy of avoiding problem solutions which are new, or poorly tested, or lightly tried solutions. At the very least, local governmental units should initiate a two to four year holding period for novel solutions, to allow demonstration of the efficacy of such novel solutions in places other than Missoula. (ISSUE # 39)
- 1.16 All land use decisions should be scrutinized for the possibility that the decision might contribute to erosion of the rights and freedoms of the individual, and policy should be adopted to provide disincentive for proposal and/or adoption of those measures which might contribute to this erosion. (ISSUE # 40)
- 1.17 Units of local government should establish firm policy which would severely limit the assignment of law or regulatory enforcement authority to personnel other than persons hired and sworn as law enforcement personnel. (ISSUE # 42)

GOAL 2: PLANNING EFFORTS (ISSUES: #'s 1, 2, 3, 6, 7, 10, 15, 17, 18, 25, 36, 37, 41, 42.)

GOAL STATEMENT: Planning and its implementation have a minimum necessary place in the community, and current levels of planning effort have expanded beyond that minimum necessary level. Planning is, in fact, a facet of the community which is out of control, and planning officials are so insulated from the public, public influence, and public officials, that the planning bureaucracy has been able to establish an independent, untouchable, and formidable hierarchy within the community. Planning efforts, and implementation thereof, must be reduced to a position of minor influence and effect in the community.

OBJECTIVES:

- 2.1 Since there is no concrete evaluation of all of the consequences of planning to date, a study should be made of the positive and negative effects of the existing Comprehensive Plan and other planning efforts, and how the existing Comprehensive Plan has been implemented, before further funds are expended for planning. (ISSUE # 1, 2, & 3)
- 2.2 Strict controls should be placed on the work plan of the Planning Department, together with detailed oversight, to insure that the planning process is only meeting the expressed needs of the community, and not the needs of the planning professionals. Staff should be reduced to levels which minimally meet expressed community needs. (ISSUE # 6 & 7)
- 2.3 Units of local government should recognize property covenants as a way to preempt local planning regulation, once specific minimum state standards have been met by covenants. (ISSUE # 10)
- 2.4 Planning efforts and decisions should recognize normal market trends as a first echelon priority for planning decision-making. (ISSUE # 15)
- 2.5 Units of local government should limit planning efforts to those which will protect the health and safety of citizens, and protect the citizens from harm and loss of property value and rights. (ISSUE # 13, 16 & 17)
- 2.6 Planning Department personnel should be prevented, by policy and oversight, from usurping the authority, duties, and responsibilities of elected officials. (Note: see Objective 1.6) (ISSUE # 18 & 25)

- 2.7 Local government should create a program whereby requirements for strict compliance with building codes is only implemented together with an effective code education program for builders and frequent and timely educational inspections, at builder request, and at no additional expense to builders. (ISSUE # 36)
- 2.8 The Planning Department should allocate some of the existing department job positions for additional inspectors to implement Objective 2.8. (ISSUE # 37)
- 2.9 The Planning Department staff and budget should be reduced to a size commensurate with planning departments in other Montana communities with a population and area similar to Missoula's. (See Objective 2.2) (ISSUE # 41)
- 2.10 Planning department staff should not be required or allowed to assume the duties, activities or authority of law enforcement personnell. These activities should be confined to established police agencies. A policy to this effect should be established by units of local government. (See Objective 1.17) (ISSUE # 42)

GOAL 3: REGULATION (ISSUES: #'s 10, 14, 28, 29, 32, 36, 39, 40.)

GOAL STATEMENT: While regulation of citizens and their activities may find occasional necessity, those occasions must be kept to an absolute minimum, and regulations, when proposed and adopted, should be brief and in plain and easily understood language, should seek the minimum possible amount of control necessary to accomplish a reasonable result, and should impose the minimum amount of intrusion into the private affairs of citizens which is necessary to achieve the minimum reasonable purpose. Also, any proposed regulation(s) should be carefully weighed against short or long-term erosion of citizen's rights.

OBJECTIVES:

- 3.1 Local and neighborhood land use control by covenants should preempt regulation and regulating decisions by local government once minimum state standards have been met. (See Objective 2.3) (ISSUE # 10)
- 3.2 In all cases where elected officials desire to direct citizens' behavior and citizens' activities, units of local government should exhaust all possibilities for use of incentives and encouragement to promote desired behavior or activity, before resorting to the vehicle of coercion through regulation. (i.e. public education

vs. woodburning regulation, desirable-sign financial incentives vs. sign ordinance and financial disincentives.) (ISSUE # 14)

3.3 Local governmental units should have a sunset law which mandates a fixed lifetime of two years for all regulations, unless each regulation is renewed by local elected officials. (ISSUE # 28)

3.4 See Objective # 1.8. (ISSUE # 29)

3.5 See Objective # 1.11. (ISSUE # 32)

3.6 See Objective # 2.7. (ISSUE # 36)

3.7 See Objective # 1.15. (ISSUE # 39)

3.8 See Objective # 1.16. (ISSUE # 40)

GOAL 4: ECONOMIC (ISSUES: #'s 7, 13, 14, 15, 16, 17, 18, 20, 26, 27, 31, 34, 35, 37.)

GOAL STATEMENT: Surrounding implementation of planning are numerous questions and concerns about the primary, secondary, and tertiary economic effects of those implementations. Decisions by local officials to implement plans for land use should not be made without serious and detailed study of the negative and positive economic consequences of those decisions to the population.

OBJECTIVES:

4.1 The Planning Department is more heavily staffed than similar departments of other similar communities, which may consume more taxpayers' funds than desirable, and may cause a work output of the department which is economically detrimental to the community. (ISSUE # 7)

4.2 Regulations for the "common good" must not deprive property owners of value without adequate value compensation. Anything else is only "official mugging" of individuals by government. Units of local government should adopt procedures, by resolution and ordinance, which will require establishment of loss of value and mandate fair and appropriate compensation. (ISSUE # 13)

4.3 See Objective 3.2. (ISSUE # 14)

- 4.4 Analysis should be made of normal market trends in land use, with the understanding that land use planning decisions which oppose these trends will have a negative economic consequence to the subject land owners. See Objective 2.4. (ISSUE # 15)
- 4.5 Inasmuch as the proper role of government is to protect its citizens, plans implementations should seek to protect the economic and property rights of citizen landowners. See Objective 2.5. (ISSUE # 16 & 17).
- 4.6 See Objective 1.1, 2.5, 2.6, & 2.9. (ISSUE # 18)
- 4.7 See Objective 1.2. (ISSUE # 20)
- 4.8 See Objective 1.7. (ISSUE # 26 & 27)
- 4.9 See Objective 1.10. (ISSUE # 31)
- 4.10 See Objective 1.13 & 1.14. (ISSUE # 34 & 35)
- 4.11 See Objective 1.8. (ISSUE # 37)

GOAL 5: CITIZENS' RIGHTS (ISSUES: #s 13, 16, 17, 22, 31, 33, & 40.)

GOAL STATEMENT: Our form of government is founded upon federal and state constitutions which are designed to constrain government in order to protect the rights of the citizens. Evolving authority of government intrudes upon those guaranteed rights. This process is manifest in local government, its boards, commissions and departments, especially including the Planning Department, and is evidenced by the continuous outflow of laws and regulations from these agencies. This process and evolution needs curtailment.

OBJECTIVES:

- 5.1 Local government must establish policies and procedures which avoid regulation for the "common good" and do so at the expense of citizens' rights, and/or at the expense of loss of value to property owners without adequate compensation. (ISSUE # 13)
- 5.2 See Objective 2.5 & 4.5. (ISSUE # 16 & 17)
- 5.3 See Objective 1.4. (ISSUE # 22)
- 5.4 See Objective 1.10 (ISSUE # 31)

5.5 See Objective 1.12 (ISSUE # 33)

5.6 See Objective 1.16 (ISSUE # 40)

GOAL 6: REPRESENTATION (ISSUES: #'s 4, 5, 38.)

GOAL STATEMENT: Appointees to local boards and commissions are sometimes selected to accomplish political ideology. Appointments to local boards and commissions must be made to accomodate competence and geographic, demographic, and philosophical distribution of citizens.

OBJECTIVES:

6.1 Local government must devise a means of recruitment and selection of members of the Planning Board which is truly representative of the philosophy and distribution of the citizens of the county. (ISSUE # 4, 5, & 38)

GOAL 7: PLAN IMPLEMENTATION (ISSUES: #'s 12 & 23)

GOAL STATEMENT: When the Comprehensive Plan is implemented, it should be accomplished in a way which allows flexibility, concern for citizens' rights, and effectuates the desires of the majority of the citizens.

OBJECTIVES:

7.1 Local government should develop a procedure whereby the majority of property owners within any section (one square mile) of real property would be able to opt out of the mandatory effects of the Plan implementation. (ISSUE # 12)

7.2 Local elected officials should provide county citizens an opportunity to approve or disapprove the Comprehensive Plan at the polls by placing the approval of the Plan on the ballot, and should seek legislation to mandate this vote on the plan from the state legislature. See Objective 1.4. (ISSUE # 23)

GOAL 8: LOCAL CONTROL (ISSUES: #'s 9, 11, 12 & 24)

GOAL STATEMENT: The Comprehensive Plan, and its implementation, should allow for flexibility to accomodate local neighborhood direction, control, evolution, and self-determination.

OBJECTIVES:

- 8.1 Local government should adopt procedures whereby land use zoning and controls at the county and city level would defer to local neighborhood options implemented through protective covenants. (ISSUE # 9)
- 8.2 A mechanism should be created whereby neighborhood areas can seek a direction or result which may not conform to the Comprehensive Plan. (ISSUE # 11)
- 8.3 See Objective 7.1. (ISSUE # 12)
- 8.4 See Objective 1.5. (ISSUE # 24)

GOAL 9: ZONING (ISSUES: #'s 8, 9, 21 & 31)

GOAL STATEMENT: Zoning should be fair, unburdensome, and should not deprive property owners of value without adequate compensation.

OBJECTIVES:

- 9.1 Local government must insure that zoning is uniformly applied and enforced. (ISSUE # 8)
- 9.2 See Objective 8.1. (ISSUE # 9)
- 9.3 See Objective 1.2. (ISSUE # 21)
- 9.4 See Objective 1.10. (ISSUE # 31)

MISSOULA COUNTY COMPREHENSIVE PLAN
AD HOC TASK FORCE ON
LOCAL GOVERNMENT AFFAIRS

The Comprehensive Plan seeks to define the types and amounts of change which the residents of the community find to be appropriate. Consideration under the Comprehensive Plan must be limited to those topics which can be addressed by local government policy and action.

There is probably no endeavor in Missoula County which could be better or more appropriately addressed by local government, and the plan, than the activities, growth, and focus of local government itself. To some extent, the whole Comprehensive Plan, and the issue body thus far developed, relates to this topic. However, the work accomplished to date, and the orientation and focus of that work, falls far short of any direct expressions about the desired size, shape, and presence of local government as it evolves along with the rest of the community.

For example, there is discussion in the developing Plan of the rate of growth of the population of the county over the last several decades, as well as concerns about the nature, quality, and location of future population growth during the life of the plan. What could be more natural than to have some parallel comments about residents' wishes relating to growth of local government? Is this not a natural topic for citizen input and planning? For many of the specific issues raised by various task forces about "change" in non-governmental sectors of the county, there exist natural and parallel citizen concerns about that "space" in the county which is occupied by government.

A useful comparison might be made relating to issue statements about 'open space', or 'green areas'. These terms are used to describe physical areas which would be set aside for no development, no change, and no evolution. This concept is justified by the rationale that these 'open spaces' exist in finite amounts, and that we enjoy the opportunity to experience these places in a pristine, or perhaps lightly used, form. The quantity and quality of local government presence in the county is also an area of consideration which might benefit from application of the 'open space' philosophy. Consider the possibility that community residents might want to have some areas of their lives remain, insofar as possible, pristine and unencroached upon by local government. Does this not also have a place in the plan? Suppose that citizens might want to limit the density and style of government, much like similar suggestions relating to housing. Does this not also lend itself to planning, and therefore deserve a place in the plan?

Once again, the area of change which may best be affected by local government and public policy is local government itself. Government has evolved a presence in the lives of county residents which is substantial, and county residents are as concerned about growth, change, and evolution of government as they are about the flux of environment, housing, or energy.

Since the growth, change, and evolution of government is something which will lend itself to, and benefit from, planning, it is appropriately the role of the Comprehensive Plan to insure that this topic receive appropriate treatment.

Based on the foregoing assumptions, a new Comprehensive Plan task force has been formed, with the knowledge of the Steering Committee, and is called the Ad Hoc Task Force on Local Government Affairs. The task force holds publicly announced and open meetings in the same City Hall facilities which are used by the other Comprehensive Plan task forces. Members of the Planning Department staff have an open invitation to attend.

When the Local Government task force first met, it was suggested that the group attempt to focus on those topics which relate to the involvement of local government in land use planning, and government involvement in the execution of that planning. Also targeted for consideration was the quality and quantity of the interface between government and citizen where that interface might have some relation to topics approached by the Comprehensive Plan.

Over a series of several meetings, the group identified the following issues relating to the topic of the task force:

ISSUE #1. It may be inappropriate to continue expenditures of public funds in a planning process until an analysis is made of the results of past planning efforts.

ISSUE #2. A study and analysis of the positive and negative results of the existing Comprehensive Plan should be made.

ISSUE #3. There exists some question about where and how the existing Comprehensive Plan has been implemented.

ISSUE #4. The Planning Board may not be truly representative of

the people in the county.

ISSUE #5. The selection process of the members of the Planning Board could be improved upon to encourage representation of the real spectrum of county residents.

ISSUE #6. The planning process may be filling needs of participating professional planners rather than meeting the needs of the community.

ISSUE #7. The planning department may be overstaffed for its own efficiency, therefore creating a need for otherwise unnecessary paperwork generation.

ISSUE #8. Under the existing Comprehensive Plan, zoning has not been adequately enforced and uniformly applied.

ISSUE #9. Land use zoning/control at the county level should defer to local/neighborhood options implemented through restrictive covenants.

ISSUE #10. Local/neighborhood land use control by covenants should preempt regulating decisions by government once minimum State standards have been met.

ISSUE #11. Some mechanism should be created to provide some flexibility so that neighborhood areas can seek a direction or result which may not conform to the Comprehensive Plan.

ISSUE #12. Owners of a majority of land in any geographical area, with a minimum of (blank) sections, should be able to opt out of the plan.

ISSUE #13. Regulations by government for the "common good"

should not deprive property owners of their property rights, or any value, without adequate compensation.

ISSUE #14. If the public body feels it is necessary to encourage signing compliance, that encouragement should be in the form of incentives rather than mandatory control via regulation.

ISSUE #15. Planning should attempt to not oppose normal market trends in land use, as market trends will often cause a more appropriate result.

ISSUE #16. Planning should protect the citizen from harm or loss of property rights.

ISSUE #17. Planning should be limited to address only those measures necessary to protect the health and safety, but beyond those limitations should not impose upon the property rights of the individual.

ISSUE #18. The Planning Board and the planning staff have or exert too much authority upon the interests of local residents.

ISSUE #19. Local government may not be adequately responsive to the public as expressed through the petition process.

ISSUE #20. Local government may become an inappropriate advocate for actions or causes that are not supported by the public.

ISSUE #21. Local government may not be adequately neutral during the formal petition process to protest a proposed zoning change.

ISSUE #22. Elected officials of local government should

encourage legislation to improve and streamline the initiative and referendum (petition) process.

ISSUE #23. Elected officials of local government should request a legislative mandate for a public vote on the Comprehensive Plan.

ISSUE #24. Local government may work contrary to the wishes of the public or residents of local neighborhoods.

ISSUE #25. The planning department may have usurped an unnecessary amount of authority and responsibilities which may more appropriately be the lawful duty of elected officials.

ISSUE #26. Local government is growing at a much more rapid rate than the general economy or population of Missoula County.

ISSUE #27. Local government and individual departments should be allowed to grow no faster than the general population. (possible base date)

ISSUE #28. City and county government needs a sunset law.

ISSUE #29. New regulations should be drafted and advocated by public employees only at the specific and written request, limited to a specific topic, of an elected official.

ISSUE #30. Many local government employees do not have job descriptions or authority lists.

ISSUE #31. Major changes and issues contemplated by local government should be put to a vote before the electorate, i.e., sign ordinance, water system, wood burning regs., guns in public places, zoning petition percentages, subdivision regs, and Comprehensive Plan.

ISSUE #32. Local government should minimize the occasions when the requirements of local government exceed, or are more strict than, the requirements of State law.

ISSUE #33. Many local government officials and employees do not understand and are not versed in the Constitution of the United States. As a result, oaths of office may not be taken, understood, or adhered to.

ISSUE #34. Local government and departments of local government overspend their budgets and income with impunity.

ISSUE #35. Overspending is financed by borrowing at taxpayer expense.

ISSUE #36. If the Planning Department expects strict compliance with the Uniform Building Code, the Department should offer education for the Missoula construction industry about the U.B.C. and U.B.C. compliance. Also, the Department should offer frequent, timely, and educational inspections, at builder request, and at no additional expense, to help promote Code compliance.

ISSUE #37. The community might benefit from having more qualified building inspectors and fewer planners.

ISSUE #38. Local government appointment to boards and commissions does not allow appropriately balanced representation of citizens interests.

ISSUE #39. Missoula citizens do not want Missoula County to be the breeding and proving ground for new or uncommon ideas and concepts about how to govern or regulate people. Much of the rest of Montana looks askance at Missoula County because we seem to be far ahead of the rest of the State in implementation of new or avant-garde ideas about how to govern, regulate, control, or direct people. The activities which earn this reputation should be avoided.

ISSUE #40. Many of the new ideas implemented in Missoula County in the name of the "common good" stray far from our recognized and declared form of government, a constitutional republic, into the posture of democratic socialism. These ideas often interfere with the sovereignty of the individual. All land use decisions should be scrutinized for possible contribution to this drift, and decisions should be made in such a way that this drift will be avoided, thus preserving the individuals' sovereignty.

ISSUE #41. The Planning Department staff and budget should be reduced to a size commensurate with other Montana counties with population similar to Missoula County.

ISSUE #42. Some departments of local government are gradually assuming the authority, duties, and activities of law enforcement agencies. However expedient this may seem, law enforcement activity, together with its concomittant powers, should be confined to the recognized local police agencies.

It is the firm desire of those citizens who are participants in the Ad Hoc Task Force on Local Government Affairs that the ideas, concerns, and work of this task force be incorporated into the currently evolving update of the Missoula County Comprehensive Plan. It is expected that this incorporation will enhance the validity and credibility of the resulting Plan.

Bill would repeal dormant, much-maligned land use law

By CHARLES S. JOHNSON
Tribune Capitol Bureau

HELENA — Rep. Paul Pistoria, D-Great Falls, has introduced a bill to put the ailing Montana Economic Land Development Act out of its misery. His House Bill 154, scheduled for hearing Jan. 22 before the House Local Government Committee, would repeal the complex, seldom-used law entirely.

Pistoria has criticized the law for years. The law, better known as MELDA, has been on the books since 1975 but has been seldom used. Its aim was to promote good land use through tax incentives.

No longer in the Legislature to defend MELDA is its author, former Rep. Harrison Fagg, R-Billings, who was defeated last year.

The law, which Fagg hailed at the time as nationally innovative, has fallen on hard times.

Although some Great Falls developers took advantage of the law initially, its incentives were not used elsewhere and have not been put to use at all in recent years, according to Gregg Groepper, administrator of the Revenue Department's Property Assessment Division. "It hasn't been used, and no one will miss it when it's gone," Groepper said.

Pistoria said no one could use the law because "it was so complicated."

MELDA also proved costly to Great Falls, Pistoria said. He said the tax breaks provided by the law cost the city \$1.5 million and the

school district \$900,000 in lost revenue.

Although people today may puzzle at how the law ever passed, it sailed through the House by a 72-1 margin in 1975 and passed through the Senate by a 38-19 margin.

Fagg had put together a slide show and flew his airplane around the state to explain it and line up support. It was backed by a broad coalition of groups, including environmentalists, the Montana Chamber of Commerce, the Montana Farm Bureau Federation and the Montana Stockgrowers Association. The measure was signed into law by Gov. Thomas L. Judge, who later said he regretted he hadn't vetoed the measure.

The law soon attracted national

Bills digest

HELENA (AP) — Here is a list of bills introduced in the Montana Legislature on Saturday, Jan. 19, 1985.

SENATE

SB 109 (Smith, by request) — Endorsing the recommendations of the Montana Developmental Disabilities Council, created by Act 10 of 1983, to be disbanded pursuant to HB 009 of the 1983 Legislature. (Finance)

SB 142 (Holliman) — Increasing the fee in lieu of tax on light vehicles, contingent on the amount of the license fees of district courts. (Local Government)

SB 155 (Smith, by request) — Revising the laws relating to sale of lands or waters, rental of office space and procurement of Fish, Wildlife and Parks. (Fish and Game)

SB 162 (Daniels, by request) — Extending the application of the Bond Validation Act. (State Administration)

SB 164 (Neuman, others, by request) — Revising the laws relating to the powers and duties of the Department of Administration, State Treasurer, and the Board of Investments. (State Administration)

SB 165 (Goodover, others) — Increasing the life and disability policies exempt from regulation. (Insurance)

SB 166 (McCallum, by request) — Eliminating the 10-day post-hearing deadline for Board of Land Commissioners' decisions on applications for permits of timbered state land. (Natural Resources)

SB 167 (Reagon, others) — To clarify that school districts can charge fees for courses or activities not reasonably related to the academic goal of the district. (Education)

SB 168 (Hoffey, Brown) — Providing that when the office of county superintendent of schools is consolidated with another county office, the county superintendent shall continue to serve as county superintendent. (Education)

SB 169 (Harding, others, by request) — To amend the laws relating to the application of the officeholder is not entitled to be superior. (Judiciary)

SB 170 (Harding, others, by request) — To amend the laws relating to the application of the officeholder is not entitled to be superior. (Judiciary)

SB 171 (Harding, others, by request) — To amend the laws relating to the application of the officeholder is not entitled to be superior. (Judiciary)

SB 172 (Harding, others, by request) — To amend the laws relating to the application of the officeholder is not entitled to be superior. (Judiciary)

SB 173 (Harding, others, by request) — To amend the laws relating to the application of the officeholder is not entitled to be superior. (Judiciary)

SB 174 (Harding, others, by request) — To amend the laws relating to the application of the officeholder is not entitled to be superior. (Judiciary)

Hearings

U.B. 273 - State Admin

SB 170 (McCallum, by request) — To clarify the duties of the county fair commission and delete ceilings on specific appropriations and on overall level for funding county fairs. (Finance)

SB 171 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 172 (Harding, by request) — To clarify the duties of the county fair commission and delete ceilings on specific appropriations and on overall level for funding county fairs. (Finance)

SB 173 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 174 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 175 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 176 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 177 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 178 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 179 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 180 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 181 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 182 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 183 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 184 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 185 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 186 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)

SB 187 (Harding, by request) — To provide that the appointment of counsel to conduct a hearing before a board allocated to the Department of Commerce must be at the discretion of the board. (Commerce)



Mid-Winter WINDOW COVERING

SALE

VEROSOL BLINDS 45% OFF

Now you can reduce radiant heat loss with winter heat savings of 51%, R value of 1.92. Three weights to choose from including prints.

Introducing the new MICRO MINI BLIND WOVEN WOODS MIN' BLINDS

Exhibit 5
HB 154
1-22-85

MISSOULA CITIZENS FOR SENSIBLE PLANNING
P. O. BOX 5835
MISSOULA, MONTANA 59806

Lloyd "Doug" Dugger
Chairman of the Board of Directors
721-2748 721-4107

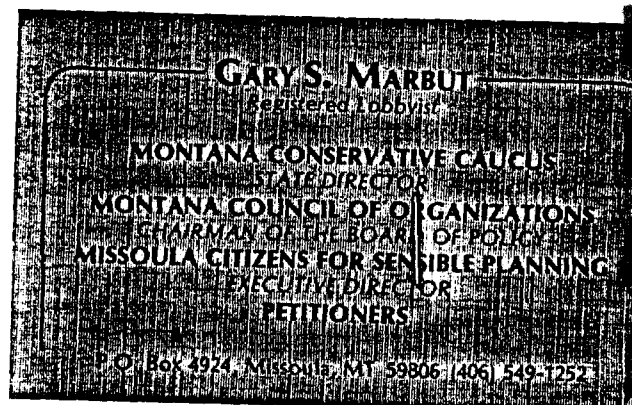
Steve Powell, Director
549-5082 549-8775

Jack Caster, Director
542-0351 549-9090

Gary S. Marbut
Executive Director
549-1252

January 22, 1985

Representative Paula Darko
Montana House of Representatives
Capitol Station
Helena, Montana 59620



Dear Representative Darko,

As a member of the House Local Government committee, you are currently reviewing HB154, an act to repeal the Montana Economic Development Act.

Missoula Citizens for Sensible Planning and the Montana Council of Organizations support this bill.

In Missoula, as well as other communities in Montana, the phrases "economic development" and "community development" have been used as justification for local government to invade the private economic sector. This invasion often results in compromise of the rights of property owners, and regulatory decisions which are economically detrimental to businesses which do not enjoy a favored status with planning agencies.

Our great nation, and our great state, were not made great by government planning, or government inspired economic development. Throughout our history, all successful economic development has been accomplished by evolution within the open free market. Since government is not itself a producer, it lacks the capacity to cause economic development. Government involvement in economic development can therefore only be implemented through directive regulation and controls.

If the State of Montana desires economic development, it has

only to release the marketplace from the burden of regulation and control, and economic development will occur. Witness the recovery of West Germany after the WWII. The most active ingredient in that economic recovery was the great restraint shown by government in staying out of marketplace evolution.

What seems to be intended by the Montana Economic Development Act is not stimulation of economic development, but control of economic evolution. While this may seem a desirable goal, it is the implementation of a social goal, not an economic goal. Most persons agree that whenever government injects itself into control of the private economy, it runs afoul of normal market evolution, and therefore muddies the water to the detriment of economic development.

What, then, is the true effect of government intervention into economic development?

Some effects are certain and predictable. Taxpayers' money will be spent to implement government goals. This acts as a depressant on economic activity. In order to implement development plans, it will be essential for some of the affairs of people in the economy to be directed. When people cannot operate with free choice, some measure of freedom has been lost. The extreme example of this activity is dictatorship.

The Montana Economic Development act seeks its effect through tax incentives and disincentives, and by granting authority to government to direct economic development.

An additional hazard of the Act is the use of taxing authority as a coercive tool to cause an essentially social result. Although it may be vogue, it is inappropriate that government use authority to raise revenue, granted by the people for that purpose, as a means of achieving a social goal.

Finally, the existence of the Montana Economic Development Act has been a spur to the growth of the tax-supported bureaucracy at the state and local level. The activism of this bureaucracy serves only to further complicate economic affairs and to further depress economic development.

In Missoula, the Office of Community Development is directing a rewrite of the Missoula Comprehensive Plan. The topics included for consideration by the Department did not include any which directly related to how the agencies of local government would be involved in community development and economic development, thus, these topics were quietly sheltered from citizen input. A group of citizens

recognized this vacuum, and formed a citizens' Ad Hoc Task Force on Local Government Affairs, specifically to provide input into the developing Comprehensive Plan.

A formal request was made of the Comprehensive Plan Steering Committee to recognize the work of the Ad Hoc Task Force. The Steering Committee passed the request on to the Planning Board with no recommendation. The Planning Board considered the matter, and a motion to recognize the Ad Hoc Task Force and its work did not pass the Board.

The citizens concerned continued to work on the topic chosen, and have prepared reports for inclusion into the Missoula Comprehensive Plan which include Issues of concern to citizens, and Goals and Objectives to deal with these issues. Many of the issues addressed relate to the imposition of government-originated ideas about community development. These Issues, Goals, and Objectives are germane to the discussion of the Montana Economic Development Act, because the Act contributes to the problems addressed by the Ad Hoc Task Force.

Because its findings are not supportive of the local government "development" bureaucracy, the Task Force is still unable to gain acceptance of itself or its work by the Planning Board or planning apparatus.

A copy of the Issues, and Goals and Objectives of the Ad Hoc Task Force are submitted to the Local Government Committee as testimony in support of HB154, and as an expansion on the problems caused by the Montana Economic Development Act.

Missoula Citizens for Sensible Planning and the Montana Council of Organizations ask you to favor HB154, and to report it out of committee with a Do Pass recommendation.

Sincerely,



Gary S. Mapbutt
Executive Director, M.C.S.P.
Chairman of the Board of Policy, M.C.O.

cc: Members of the House Local Government Committee

WITNESS STATEMENT

Name Martha Powell Committee On Local Government
Address P.O. Box 3867 Date 1-22-85
Representing Self Support yes
Bill No. HB 154 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill has no respect for the rights & freedoms of Land owners.
2. We pay Taxes on the property, but we are told how we can or cannot use our land. We don't need such regulations of our own property.
3. We do not need to be bribed or punished for compliance or non-compliance through taxation.
4. We do not need zoning laws controlled by bureaucrats. If & when we need zoning ^{we can meet} with and among our fellow citizens by agreement and consent according to Locally understood needs.

I urge you to please support HB 154 to repeal the Montana Economic Development Act of 1975.

Thank you.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Rec'd - Mon Jan. 14, 1985

Rep. Paul Pistonia
90 Mont. House of Representatives
Capitol Station
Helena, Mont. 59620

Testimony for
H.B. 154

January 13, 1985

Dear Sir:

Congratulations and thank you for your realization and foresight concerning your bill HB 154 - to repeal the Montana Economic Land Development Act.

Your bill is one of the greatest to come forth in years.

This dastardly Act has been a costly usurpation of citizen's rights. This and other similar infringements should all be repealed.

We should take back our State's rights. It may bring great difficulties at first, but better now than later, when it may become impossible.

Vera Cahoon and Julie Hacker, of Potomac, will be there lobbying for some of our causes. I have called Mrs. Cahoon and left a message concerning you and HB 154.

I am also writing to Sen. Bill Foxman and Mike Kadar asking them to give you support.

For great appreciation,

Mrs. Martha Powell
Mrs. Mary Bollinger
Luther D. Powell

Emil Rieker
Pauline Rieker

P.O. Box 3867
Missoula, Mont. 59806

Exhibit 7
HB 154
1-22-85
Rep. Pistoria

WITNESS STATEMENT

Name Lera Cahoon Committee On Local Gov't
Address Star Rte, Banner Mt Date 1/22/85
Representing Wslw Co. Freeholders Support ✓
Bill No. 154 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Unnecessary
2. Unuse d
3. Serves no sensible purpose
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exhibit 1
HB 108
1-22-85
Rep. Winslow

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

MONTANA ASSOCIATION OF COUNTIES

HOUSE BILL 108

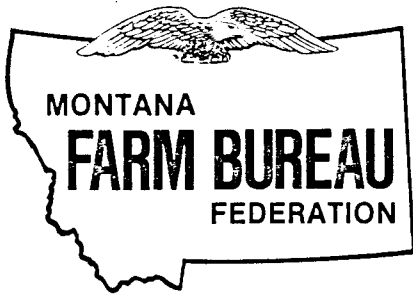
PRISONER EXPENSE

HOUSE LOCAL GOVERNMENT COMMITTEE

<u>COUNTY</u>	<u>ESTIMATED COST PER PRISONER/PER DAY</u>
BEAVERHEAD *	\$ 53.02
BEAVERHEAD **	\$ 34.32
BROADWATER *	\$ 116.27
CASCADE **	28.75
CHOUTEAU *	83.13
CUSTER *	42.19
DEER LODGE *	58.81
GALLATIN *	79.37
GALLATIN **	42.65
LEWIS & CLARK **	35.19
MISSOULA **	25.57
SILVER BOW *	39.43
TOOLE *	67.14
VALLEY *	83.99
YELLOWSTONE **	25.93

* Mountain International Social, Economic, Management Consultants, Helena

** Sheriff's Department Letter FY 81-82



502 South 19th

Bozeman, Montana 59715
Phone (406) 587-3153

Exhibit 1
HB 75
1-22-85
Rep. Hansen

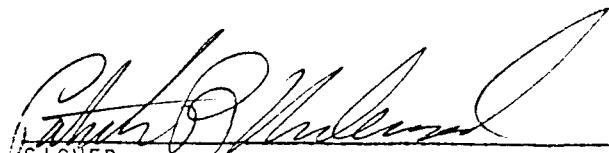
TESTIMONY BY: _____

BILL # HB 75 DATE Jan 22, 1985

SUPPORT X OPPOSE _____

The Montana Farm Bureau supports HB 75. Our organization has had policy calling for this type of legislation for over five years. We urge this committee to give a do pass to this bill.

Thank You.


SIGNED _____

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

Exhibit 2
HB 75
1-22-85
Rep. Hannah

BCC-85-041
January 22, 1985

The Honorable Paula Darko, Chair
House Local Government Committee
House of Representatives
Capitol Station
Helena, Montana 59624

Dear Representative Darko and Other Committee Members:

We are writing in support of HB 75 which would give us the authority to raise salaries of County elected officials in a uniform manner. We believe this bill would give us the budget flexibility we need to deal with ever-increasing pressures on County budgets.

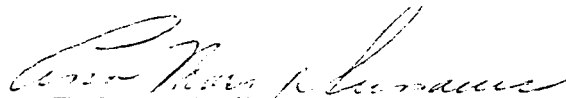
Rather than have the Legislature set salaries and thereby impose costs upon us, we believe we need the authority to set salaries depending on the financial condition of the County -- the same way we set salaries and wages of all other County employees. With the salaries of so many other County employees pegged to the salaries of elected officials, without the authority to set salaries of elected officials, we have lost the authority to control our budget.

Now this bill does not give us the authority to truly set salaries; only to raise them. Perhaps that is just as well. This bill will not pit one elected official against another, nor enable us to do so. Although we will not have full authority to set salaries, we will not get into political and personality controversies.

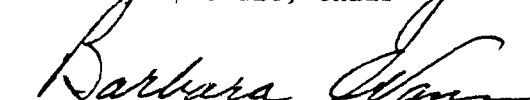
This bill makes a lot of sense. Please vote for it.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS



Ann Mary Dussault, Chair



Barbara Evans, Commissioner



Bob Palmer, Commissioner

BCC/HS/1s

cc: All Missoula Legislators

AMENDMENT TO HB 75

- (1) Page 2, line 11.

Following "official"

Insert: "except the county assessor and the deputy county
assessor,"

- (2) Page 2, line 13

Insert:

"(2) The salaries of the county assessor and the deputy county assessor shall be determined according to the pay matrix which is provided for state employees. They shall be determined as follows:

(a) The grade of the county assessor shall be equal to that of the appraisal supervisor of the department of revenue serving in that county. In no case shall the salary of a county assessor be less than the salary paid to that official on July 1, 1985.

(b) The salary for the deputy county assessor shall be not more than 90% of the salary of the assessor in the county which the deputy assessor serves.

(c) The foregoing method of determining salaries for the county assessor and the deputy county assessor shall not be construed to mean that those officials are state employees."

- (3) Page 2, line 13.

Strike: "(2)"

Insert: "(3)"

- (4) Page 4, line 5.

Strike: "(3)"

Insert: "(4)"

- (5) Page 4, line 9.

Following "subsection"

Strike: "(4)"

Insert: "(5)"

- (6) Page 4, line 10.

Strike: "(4)"

Insert: "(5)"

AMENDMENT TO HB 75

- (1) Page 1, line 8.
Following: "7-4-2504"
Insert: "7-4-2505"
- (2) Page 1, line 9.
Following: "REPEALING"
Strike: "SECTIONS 7-4-2107 AND 7-4-2505, MCA."
Insert: "SECTION 7-4-2107, MCA."
- (3) Page 2, line 11.
Following: "official"
Insert: "except the county assessor and the deputy county assessor,"
- (4) Page 8, line 10.
Following: "Repealer."
Strike: "Sections 7-4-2107 and 7-4-2505, MCA, are repealed."
Insert: "Section 7-4-2107, MCA, is repealed."

WITNESS STATEMENT

Exhibit 4
HB 75
1-22-85
Rep. Hannah

NAME Richard Treise BILL No. HB 75
ADDRESS P.O. Box 1725 Helena 59623 DATE 1-22-85
WHOM DO YOU REPRESENT MT Assoc of Co. Supts
SUPPORT _____ OPPOSE ☒ _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB 75 would effectively freeze elected officials salaries in Montana.

County Commissioners would be reluctant to approve a raise as it would be viewed by the public as giving themselves a raise (political suicide).

Local Control is not served when the authority granted to the local governing body is subjected to the pressures of public sentiment and puts the commissioners in the position of granting themselves a raise which may be based on their re-election plans.

Exhibit 5
HB 75
1-22-85
Rep. Harriah

WITNESS STATEMENT

Name Lorraine Van Dusen Committee On _____
Address 117 E. Story - Bozeman Date January 22, 1985
Representing Clerk of Courts Association Support _____
Bill No. HB-75 Oppose ☒
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Generally feel that because we are mandated by Legislature as to our duties we should be given the time that is necessary of our Legislatures to deal with setting our salaries. I feel that the computations as set now are very fair as to the particular counties.

4.

Thank you

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exhibit 6
1-22-85
AB 75
Rep. Hannan
AB-75
oppose

TETON COUNTY

STATE OF MONTANA

CHOTEAU

59422

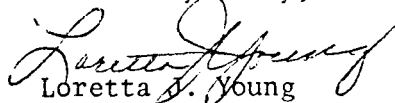
January 31, 1985

Paula Darko, Chairman
Local Government Committee
House of Representatives
Capitol Station
Helena, Montana 59620

Dear Paula:

I oppose House Bill No. 75 "AN ACT TO CHANGE THE METHOD OF ESTABLISHING SALARIES FOR COUNTY ELECTED OFFICIALS -", my reason for opposing the bill is that there is some equality in the law as it now stands. My Commissioners are not interested in setting the salaries.

Yours very truly,



Loretta A. Young
Teton County Clerk & Recorder
P. O. Box 610
Choteau, Montana 59422

cc: Rex Manuel

HB-75
oppose

Exhibit 7
HB 75
1-22-85
Rep. Harry W

P.O. Box 193
Choteau, Montana 59422
January 31, 1985

Ms. Paula Darko
Chairman
Local Government Committee
House of Representatives
Capitol Station
Helena, Montana 59620

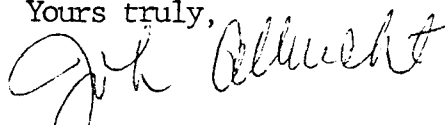
Dear Ms. Darko:

I am writing to you regarding House Bill 75. It would allow the Board of County Commissioners to set the salary for county officials. It would allow the salary to change annually. I am opposed to this bill.

Allowing the county commissioners to change the salary annually would prevent any office holder from knowing what he or she will be making. Every year it could be changed. I believe that it would discourage qualified people from running for local offices.

I urge you to defeat House Bill 75.

Yours truly,


John Albrecht

cc: Rex Manuel

1/22/85

I strongly oppose H.B. 75.
I represent the Missoula County
Freeholders Assoc the group that
pays the salaries & fees do not
want out of Control Taxation
& out of Control Salaries, set
by County Commissioners. We
do not want any further
authority delegated to local
gov't to spend & spend &
tax & tax. The state leg.
should do its duty. H.B. 75
should die in committee.

Kara Cahoon
Star Rte
Bonner Mt

59823

1-22-85

Exhibit 9

HB 75

1-22-85

Rep. Hannah

To House L.G. Comm

Strongly oppose HB 75

1. Equal pay for equal work
2. Co's of same size should pay same salary.
3. Co. Commissioners should not set other equal-value elected officials salaries.
4. Elected officials are implementing state law passed by the legislature. (The legislature is the boss. Shouldn't the boss also set the salary?)

John Hacker
Missoula Co.
Star Rte, Bonner, Mt.

WITNESS STATEMENT

NAME Terri Carney BILL No. 4B-154
ADDRESS 910 16th Ave S.W. DATE 1/22/85
WHOM DO YOU REPRESENT State Assoc. of Educators
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITOR'S REGISTER

HOUSE

Local Government COMMITTEEBILL HB 75DATE 1-22-85SPONSOR Rep. Hannah

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Laurine Ann Busch	117 E. Story Bozeman	Clerk of Court		✓
Clara Tschenth	Helena	Clerk of Dist Court		✓
Cileen Anderson	Bozeman	Assessor		✓
Frida Brannner	Tournaire	Treas.		✓
Richard T. Lewis	MHCSS Helena	MHCSS		✓
M. E. "Mickey" Nelson	611 N. Jackson Helena	Montana Foreman's Assn.		✓
Judy Baylitt	Bozeman	Clerk - Recorder		✓
Julie Becker	Bozeman, MT Hick Co. Trucking			✓
Joanna Perez	Fort Benton Hick Co. Trucking	Mt. Assn. Clerk/Rec		✓
J. D. & Rex	FT Benton	Chick Co.		✓
George Hagerman	Helena	AFSCME		✓
Kara Cahoon	Bozeman	Mont. Co. Truckers		✓
Pat. H. Hagerman	Bozeman	Mont Farm Breed	✓	
Lerna Frank	Bozeman	Mt. Farm Bureau		
John Schneider	Helena	MPEA		Amend
Edith M. Barker	Canons	Mt. Assn. Assoc		✓
Philip Morris	Spokane	Mt. Assn. Assoc		✓
Paula P. Pitarone	St. Falls	State Reps		✓
Marion Olson	Helena	Mt. Assn. Assoc		✓
Nick Proctor	St Falls	State Treasurer Assoc		✓

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Local Government COMMITTEE

DATE 1-22-85

cont.

FORM CS 22

HOUSE Local Government COMMITTEE

DATE 1-22-85

[illegible]

FORM CS 22

VISITOR'S REGISTER

HOUSE Local Government COMMITTEE

DATE 1-22-85

[illegible]

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.