

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 23, 1985

The meeting of the House Natural Resources Committee was called to order by Chairman Dennis Iverson at 6:20 p.m. on February 23, 1985, in Room 312-2 of the State Capitol.

ROLL CALL: Representatives Driscoll, Harp and Moore were excused; all other members were present.

HOUSE BILL 312: Rep. Gerry Devlin, District 25, introduced HB 312, which he sponsored. He told the committee that HB 312 would take 37.5% of the federal monies received by the state for highway funds and send those funds, on a pro-rated basis, to specific counties. The amounts granted to counties would be based on the counties' contribution of extracted minerals.

Ted Fletcher, a Powder River County commissioner, spoke in support of HB 312. He said the county roads in his area are in very poor condition, which has an adverse impact on county residents, and on law enforcement. He said Powder River County suffers from heavy traffic by oil rigs coming up from Wyoming. He said that Powder River is a rural county, which lacks the tax base to provide a big budget for road maintenance. However, the county provides a good deal of revenue to the state because of mineral extraction, and deserves an earmarked contribution of mineral royalties for road maintenance.

Mr. Fletcher passed out an information sheet showing the payments made to various counties from mineral royalties. A copy of that sheet is attached as Exhibit 1.

Marie McAlear, a Madison County commissioner, testified in support of HB 312. She said that Madison County, through mineral extraction done on federal lands in the county, contributes a much larger amount to state highway funds than is spent on highway work within the county. She said that planned talc extraction in the county will require new roads, and that in order to provide those roads the county will have to levy a per capita tax of \$79 annually. Rural counties bear the costs of mineral exploration and are not being granted a fair share of the royalties from such exploration, she said. HB 312 would be a step toward fairness for the counties which are providing mineral royalties.

Marcey Schwarz, deputy county attorney of Powder River County, said HB 312 would put Montana into compliance with federal law regarding the distribution of royalty payments. She said that federal law requires that state disbursement of mineral royalty monies should give priority to the counties most affected by mineral development. She presented a copy of an attorney general's opinion which supported her testimony. That opinion is attached hereto as Exhibit 2.

John Shontz, representing Richland County, said the preponderance of highway reconstruction dollars comes from a few counties, and that those counties are often overlooked when highway maintenance is performed. Areas of mineral development have not been adequately addressed by the highway department, he said. He stated that HB 312 would provide equitable allocation of highway funds.

Gordon Morris, director of the Montana Association of Counties, said the state's current practice of allocating highway reconstruction money is contrary to federal law. HB 312 would mitigate the effects of development, and offset the costs incurred by rural counties, who receive no tax payments from federal lands that are developed. He said that HB 312 is endorsed by all 52 member counties of the group. A copy of his testimony is attached as Exhibit 3.

There were no further proponents.

Jim Manion, representing the Montana Automobile Association, and the Montana Highway Users Federation, said that both groups are against any proposal that would take funds out the the current highway trust account. He said that any money removed from that account would likely be replaced through an additional gasoline tax. Motorists are not responsible for the plight of counties, he said, and should not bear the costs incurred by counties. He also disputed the claim that money provided under HB 312 will be used for road maintenance. He said that in the past, such funds have been granted to counties for highway use, but have been used to balance the general budgets of those counties.

There were no other opponents.

Rep. Kadas asked Gordon Morris why MACo has not brought suit against the state if the organization believes the state is acting in violation of federal law. Mr. Morris said the group has considered the possibility of legal action, but would prefer to have the legislature correct the problem without litigation.

Rep. Asay asked Jim Manion if Manion would concede that affected counties should have some special consideration when the state allocates mineral royalty money for highway reconstruction. Mr. Manion said that there is no question

those counties deserve consideration, but that it should be achieved through the highway department's priority system, and not through legislative mandate.

Rep. Addy asked if it is true that the counties most negatively affected by present apportionment of highway reconstruction funds are the same counties that have a good tax base because of extractive industry. Ted Fletcher of Powder River County responded, saying that those industries do provide a substantial tax base, but since the counties in question are rural, they do not have the wide tax base enjoyed by urban areas.

Rep. Devlin closed by reminding the committee that HB 312 is simply a request that the state treat counties in the same manner as the federal government treats the state.

HOUSE BILL 859: Rep. Jack Ramirez, District 87, introduced HB 859, which he sponsored. Rep. Ramirez said the bill was drafted in response to problems arising from water hearings. Those hearings are now conducted through the department of natural resources, which appoints a hearings examiner to hear complicated water disputes. Often the hearings examiner is called upon to listen to and sort through complex legal questions, said Rep. Ramirez. He lauded the efforts of DNRC hearings examiners, but said that legal questions should be heard and argued in the district court, and not before a hearings examiner. Under HB 859, a water rights certification procedure would begin in DNRC, but if it appears that legal or factual issues are to be disputed, the issue will be transferred to the state water courts.

Duke Gilbert, a Dillon attorney, rose as a proponent of the bill. He said that since the Water Use Act of 1969 was enacted, he has attended many DRNC water hearings. These hearings, he said, can turn into "real cat and dog fights" over water use, and are often marred by arbitrary, non-technical rules. He too noted that DNRC hearings examiners are competent and professional, but they lack the legal ability to conduct a formal hearing, and to address complex legal issues.

Don McIntyre, attorney for the department of natural resources and conservation, said the authority to adjudicate water rights rests with the water courts. That is the finding of the Supreme Court, he said, and the department supports that finding.

There were no opponents to HB 859, and the floor was opened to questions from committee.

Rep. Raney asked Rep. Ramirez about the basic applicability of the bill, and was told that the department would have the option of referring any contested water issue to the district water courts for resolution.

Rep. Miles asked Rep. Ramirez if the bill would result in increased cost to the parties involved in water hearings. Rep. Ramirez responded that routine matters would still be handled administratively, with no additional cost to the parties. He added that contested cases are almost always fought by attorneys anyway, and that referring those cases to the water courts would not involve any greater expense than is now incurred.

Rep. Ramirez closed by saying that by referring contested matters to the water courts, the department could be more certain that parties to water disputes would receive an adequate hearing. He said that providing a reliable forum for such disputes is especially necessary in view of the water marketing bill likely to be passed this session.

HOUSE BILL 891: HB 891 was introduced by Rep. Kelly Addy, District 94. Rep. Addy said HB 891 revises the state's eminent domain laws, and is the product of a consensus between landowners, industry, and public interest groups. He outlined the major changes provided in the bill, which include: a requirement that the state give 30-days notice to owners or possessors of affected property; a change in the forum for legal action to the district court; and a statement of minimum necessary interest.

Terry Murphy, representing the Montana Farmers' Union, said that group is in favor of the bill, with the amendments proposed by Rep. Addy.

Marg Green, representing the Montana Farm Bureau and Women Involved in Farm Economics, endorsed HB 891 on behalf of those groups.

Ward Shanahan, representing the Montana Mining Association, said that although HB 891 is no doubt beneficial to the landowner, it should be remembered that Montana law probably contains more safeguards for the landowner than most other states' eminent domain regulations. He said, however, that the MMA has no objection to the bill as presented by Rep. Addy. A copy of his testimony is attached as Exhibit 4.

Jim Beck, representing the Montana Highway Department, said that agency supports the bill generally, but recommended that it be amended to allow a 15 or 20-day written notice period, rather than a 30-day period, and that notification be made only to the owner, not to the person in possession of the land.

Russ Brown of the Northern Plains Resource Council rose in strong support of the bill. He said that eminent domain power is a serious burden to both the state and affected landowners. HB 891, he said, is a common-sense approach to the eminent domain issue. That group also supported the changes recommended by Rep. Addy. A copy of Mr. Brown's testimony is attached as Exhibit 5.

No opponents spoke against HB 891.

Rep. Kadas asked Rep. Addy to comment on the proposals made by Mr. Beck of the highway department, who stated that the department should notify only the landowner, and not the person in possession of the land. Rep. Addy said he understood that it might be difficult to locate the possessor of some parcels of land, while the owner could be easily traced through deeds and other filed documents. Still, he said, the state should have the obligation to notify the person who would be affected by an eminent domain action, and that person is the one who uses the land.

Rep. Krueger asked Rep. Addy to confirm his intention to strike the language of Section 5 and Rep. Addy did so.

There was no further discussion of HB 891.

HOUSE BILL 827: HB 827 was introduced by the sponsor, Rep. Earl Lory of District 59. Rep. Lory explained that HB 827 is a bill to revise portions of the state subdivision and platting act. The revisions are needed to prevent subdivisions from being developed without going through the review process, he said. Rep. Lory told the committee that only a small percentage of the subdivisions in the state are going through the review process set out in the subdivision and platting act, and the rest are being developed through family gift and occasional sales of parcels, which are not subject to review. HB 827 would "close the loopholes," he said.

Rep. Lory told the committee that it is not the intention of HB 827 to prevent the subdivision of land, but simply to see that subdivision is done in an orderly fashion, and is subject to review.

Lt. Governor George Turman spoke as a proponent of HB 287. He told the committee that he was a member of the governor's task force on infrastructure, and that one recommendation of

that task force was to "close the gaps in subdivision regulation." Reaction to a poorly developed subdivision is much more expensive than planning one correctly from the start, he said. He said that poorly planned subdivisions result in a number of problems, including inaccessibility to emergency services and school buses, instability of roads, and erosion. HB 827 is consistent with the recommendations of the governor's task force, he said.

Mike Money, president of the Montana Association of Planners, spoke in support of HB 827, which he said is the result of a cooperative effort among planners, subdividers and surveyors. He told the committee that the 20-acre minimum set out in the subdivision and platting act "is not doing its job" and that exemptions to the act are being abused. HB 827 would cut down on that abuse, he said. He noted that the burdensome effects of the legislation on developers should be relieved by the relaxation of minor subdivision rules and the waiver of necessary parkland designation. He presented three letters in support of the bill, from a Bozeman surveying and engineering firm, the city council of Belgrade, and the Belgrade city-county planning board. Those letters are attached hereto as Exhibits 6, 7 & 8.

Don Mullin, a Ravalli County sanitarian, said that in Ravalli County, only 18% of the existing subdivisions have been created through the review process mandated in the subdivision and platting act. The rest have been developed through use of exemptions to the act, he said. He told the committee that the intent of the act is clearly being frustrated by use of exemptions, and urged passage of HB 827 to end that practice. He presented a packet of information outlining the problems faced by Ravalli County relating to subdivisions. That packet is attached hereto as Exhibit 9.

Don Reed of the Environmental Information Center endorsed the bill, and passed out an information sheet outlining the history of the subdivision and platting act, which is attached as Exhibit 10.

Steve Herberly, a land use planner for Park County, told the committee that his area has undergone a big increase in land divisions made without review. He said it is in the public interest to have such land divisions follow a uniform process of planning and review. Herberly read a letter of support for HB 827 from the Livingston-Park County planning board, and presented a map showing unplanned subdivisions in the area, which is attached as Exhibit 11.

Holley Smith, a Beaverhead County Rancher, and member of the Dillon-Beaverhead planning board, spoke in support of Hb 827. She said she is concerned about how abuses of the subdivision and platting act have affected agriculture in the Beaverhead area. She said the amount of good farming and grazing land in southwest Montana is limited, and should be protected. Undeveloped land is a great tourist attraction, she said. Mrs. Smith told the committee that Beaverhead county has a comprehensive plan, but it is useless when subdivisions are allowed to be developed through exemptions. She said she is not against development, but that it should be carried out in an orderly manner. Unreviewed subdivisions have resulted in problems with water table depletion, damage to fences and crops, erosion and overgrazing, she said. She added that unplanned subdivisions cause a serious burden to taxpayers.

Peggy Munoz, a representative of the League of Women Voters of Ravalli County, said that group supports HB 827. A copy of her letter of support is attached as Exhibit 12.

Jan Henry spoke in favor of HB 827 on behalf of the state division of disaster and emergency services. She said tightening up the exemptions in the subdivision and platting act would alleviate problems with inadequate road services. She said law enforcement officials and emergency service personnel are often faced with dead end roads, grades too steep to drive, and inadequate width roads as a result of unplanned subdivisions. HB 827 would reduce the costs of disaster reaction to local governments, she said.

Robb McCracken, representing the Montana department of commerce, supported HB 827. He recounted several problems with unplanned and unreviewed subdivisions, which he said are a burden to taxpayers, and a threat to public safety. A copy of his testimony is attached as Exhibit 13.

Jerry Sorenson, planning director for Lake County, said that other supporters had already stated the points he wished the committee would consider, and entered into the record three letters, from the Lake County Land Service Department, the Lake County Commissioners, and a Polson real estate agent. Those letters are attached as Exhibits 14, 15 & 16.

Terry McBroom supported HB 827 on behalf of the Ravalli County League of Women Voters. She said the bill would go a long way toward restoring subdivision planning. Exemptions to the act, she said, were never intended to allow the kind of extensive subdividing without review that is taking place. She told the committee she was concerned with the "minor subdivision" provisions of HB 827, fearing that they may become the next loophole. A copy of her testimony is attached as Exhibit 17.

Don McLaughlin, a member of the Bozeman-Gallatin city county planning board, told the committee that the costs of resolving problems brought on by unplanned subdivisions have fallen on local governments and taxpayers. The issue involved in subdivision regulation, he said, is hardship and who should bear it. Developers, not local governments, should bear the costs of development, he said. Mr. McLaughlin submitted a letter from the mayor of Bozeman in support of HB 827, which is attached as Exhibit 18, and a letter from the chairman of the city-county planning board, which is attached as Exhibit 19.

Kathy Macefield, a planner for Lewis and Clark County, told the committee that in the last six months, 128 land splits have taken place in the county, and only five of those have gone through subdivision review. She said the south hills area of Helena has suffered great problems with inadequate road construction resulting in diminished fire protection, erosion and drainage problems. She said that subdividers reap the greatest benefit of current laws, and that taxpayers carry the burden. A copy of her testimony is attached as Exhibit 20.

Jim Richard spoke in favor of HB 827 on behalf of the Montana Association of Planners and the Montana Weed Control Association. He submitted a letter from Bill Otten, president of the Montana Weed Control Association, in support of the bill. That letter is attached as Exhibit 21. Mr. Richard also presented supporting letters from Bruce Suenram, chief of the Missoula Rural Fire District (Exhibit 22), L.A. Darling, of the Stillwater Mining Company (Exhibit 23), the Cascade County Planning Board (Exhibit 24), the Richland County Planning Board (Exhibit 25), the Miles City-Custer County Planning Board (Exhibit 26), and the Stillwater County Commissioners, (Exhibit 27).

There were no further proponents of HB 827.

Terry Carmody, representing the Montana Association of Realtors, told the committee that his group could have filled the room with speakers against HB 827. He said the realtors would not support the bill except with amendments, and distributed a list of proposed changes to the bill, which is attached as Exhibit 28.

William Spilker, a real estate broker, spoke against HB 827. He said that occasional sale and family gift exemptions should remain unchanged. He noted that he supported the changes proposed for minor subdivision review under HB 827. Mr. Spilker said Hb 827 is similar to legislation that was introduced and defeated in the last four session, and is an infringement on private property rights. Subdivision review is "tedious, arbitrary and expensive," he said.

Chet Dreher, who lives in the Colorado Gulch area near Helena, told the committee he is "reluctantly against" HB 827. He explained that he brought property near Helena in 1962, with the intention of building on it, and selling some timber. He said that when he was forced to sell some of the property for economic reasons, he found that subdivision regulations prevented him from doing so. The idea of planning is legitimate, he said, but "it doesn't always work the way you want it to." Mr. Dreher told the committee that a "multi-layer bureaucracy" is a burden, and the committee should not add to it by approving HB 827.

Gary Marbut spoke on behalf of the Missoula Citizens for Sensible Planning, and presented a petition and signatures to the committee. Those documents, attached as Exhibits 29 & 30, request that the legislature not apply any more restrictions on landowners, and ask for a statutory reduction in the budgets of state and local planning agencies. Mr. Marbut asked the committee to consider the fact that most of the proponents of HB 827 are government employees, while the opponents are private citizens and taxpayers.

Mr. Marbut told the committee that there are "incredible economic disincentives" to subdivision review, and that is why property owners make use of legitimate exemptions. He said the additional regulation of HB 827 would increase bureaucratic costs, through the addition of planning personnel. Addressing the question of safety, he said that the state must reach the end of the philosophy that it must protect everyone. Restriction of subdivision causes housing shortages, he said, and deprives owners of the right to use and profit from their property.

M. Elizabeth Friesz, a Clinton resident, said that the "tremendous pressure and cost of subdivision laws" create an "almost impossible expense" to a property owner who would like to sell land. HB 827 "is too radical for the rural citizenry," she said. She asked the committee to consider the case of rural people who operated farms during their working lives, with the intention of selling that farmland to obtain retirement money. Those people, she said, are left with no profitable land as a result of restrictive and expensive subdivision regulations.

Don Valiton, an Ovando-area resident, said HB 827 is an assault on the rights of Montana landowners. "No one should tell me how, when, or where I'm going to give land to members of my own family," he stated. He added that there is no outcry for regulation in Powell County, and that the legislature should not punish all the counties of the state as a result of problems that occur in only a few.

Stephen Ries, a member of the Association of Registered Land Surveyors, said that problems associated with 20-acre plats are a result of the restrictions of the subdivision and platting act. The state and local governments would be better off if the minimum plat had been left at five acres, he said.

William Gowen of Helena, owner of an abstract and title firm, said proponents were incorrect in stating that people often buy property in unplanned subdivisions and then are surprised to learn that access to their property is inadequate or non-existent. Title insurance states the availability of access, and offers that protection to buyers, he said.

Gerald Ditto, of Helena, urged the committee to "keep the government out of my life" by refusing to pass HB 827. He presented a petition against the legislation, which is attached as Exhibit 31.

Elmer Flynn, a Missoula resident, said HB 827 is "going the wrong direction" and diminishing the rights of property owners. Buyers will make certain there is adequate access, he said.

Clifford Olafsen of Missoula told the committee about difficulties he was having in trying to sell land he owns, and asked the members not to encourage more restrictive laws. He presented a letter from Martha Powell of Missoula, who also opposes HB 827. That letter is attached as Exhibit 32.

Julie Hacker, representing the Missoula County Freeholders, said that each county has an elected county surveyor who is competent to oversee surveying and subdividing. That job should not be usurped by overstaffed planning offices, she said.

Doris Olafsen of Missoula spoke against HB 827, saying she would like to see common sense return, and the free enterprise system be allowed to operate. She presented letters from David and Frances Maclay in opposition to the bill. Those letters are attached as Exhibits 33 and 34.

Patricia Ries of Helena said the committee should respect the rights of property owners to control their own holdings.

There were no further opponents of the bill, and the floor was opened to questions from committee.

Rep. Asay asked William Spilker what steps Spilker would recommend to assure that sanitation and water quality can be adequately addressed in the absence of subdivision review. Mr. Spilker said he believed that county health departments have adequate systems to protect municipal water quality under the provisions of the subdivision sanitation act. Water quality and sanitation are not threatened in subdivisions accomplished through exemptions, he said.

Rep. Krueger asked Mr. Spilker if there was any reason other than expense for subdivisions to be excluded from review by local planning agencies. Mr. Spilker said the arbitrary nature of review is a good reason to discard the process.

Rep. Krueger then asked why 20 five-acre plats should come under review, but 20 20-acre plats should not. Mr. Spilker said that the impact of the smaller plats would be much greater than the impact of the subdivision of larger plats, and therefore should come under review.

Rep. Grady asked Mr. Spilker why realtors support a move back to the 5-acre review standard, and Spilker told the committee that the 20-acre standard was a bad move in the state's land use planning. Most buyers, he said, don't want or need a twenty acre plat. He maintained that if the state allowed subdivision into five acre parcels, subdivisions would be smaller.

There were no further questions, and Rep. Lory closed by saying that the amendments proposed by the realtors effectively gut the bill. He reminded the committee that the final draft of the Environmental Quality Council report on subdivisions in Montana notes that the subdivision and platting act is not working as it should to encourage orderly development. HB 827 is the solution to that problem, he said.

HOUSE BILL 791: Rep. Ray Brandewie, of District 49, introduced HB 791, which he sponsored. Rep. Brandewie distributed a handout comparing the types of filed land divisions in Lake County from 1973 to 1984, which he said demonstrates the problems caused by the 20-acre standard. A copy of that information is attached as Exhibit 35. HB 791 provides a new definition of subdivision, he said, which adds language stating that a subdivision is also defined as two or more additional parcels, regardless of size, which are contiguous, connected by a common road or road system, or connected by a common sewer or water system.

Rep. Brandewie also said his bill addresses the issue of adequate roads within subdivisions and the review necessary to make sure those roads are planned.

Jerry Sorenson, from the Lake County planning office, said the definition of subdivision in HB 791 is a "tremendous improvement" over the current statutory definition, and said that HB 791 would result in a better process of review than now exists.

Terry Carmody, representing the Montana Association of Realtors, said he supported the intent of HB 791.

Robb McCracken of the Montana Department of Commerce said the 20-acre definition and exemptions have been a big problem for local governments, and endorsed the definition of subdivision stated in HB 791.

Jim Richard of the Montana Association of Planners said he supported HB 791, and added that he doubted the seriousness of the issue of cost of subdivision review. Proper review does not add much to the front end cost, he said, and the long-term savings far outweigh the costs of proper planning.

There were no opponents to HB 791.

Rep. Brandewie closed by saying that Montana subdivision laws have serious flaws, but HB 791 is a step forward toward solving those problems.

HOUSE BILL 768: HB 768 was introduced by the sponsor, Rep. Dorothy Bradley, District 79. She explained that the safe drinking water act and the sanitation and subdivision act occasionally overlap in some areas of subdivision review. HB 768 would eliminate that overlap by exempting apartments and other portions of buildings that are rented or leased from review as subdivisions, and exempting some subdivisions that will be served by municipal water and sewage facilities from department review.

Some rules covering condominiums indicate that those developments may have to go through review twice, and HB 768, with amendments suggested by Rep. Bradley, would avoid that double-bind. She said the bill would make the sanitation and review process, which is unduly complicated, easier to comply with.

Terry Carmody told the committee that the Montana Association of Realtors supports HB 768.

Jim Richard rose in support of HB 768 for the Montana Association of Planners.

Gerald Ditto told the committee that Montana's professional surveyors support the bill.

William Spilker told the committee that as a real estate broker, he supports Hb 768.

Steve Pilcher, representing the state water quality bureau, said that agency supports HB 768 because it simplifies the subdivision process without frustrating the intent of regulation.

There were no opponents to the bill, and no questions from committee. Rep. Bradley closed by urging a do pass vote.

EXECUTIVE ACTION:

HOUSE BILL 768: Rep. Addy moved DO PASS on HB 768. Rep. Asay moved the amendments provided by Rep. Bradley, which were unanimously approved. Rep. Addy's motion was approved, with Rep. Garcia voting against it.

HOUSE BILL 791: Rep. Kadas moved DO PASS on HB 791. Rep. Asay moved the amendments suggested by Terry Carmody. Rep. Miles suggested that the committee discuss the definitions of subdivision as provided in HB 791 and HB 827. Rep. Kadas withdrew his motion so that the committee could consider the definitions and act on both bills at a later date.

HOUSE BILL 891: Rep. Addy moved DO PASS. Rep. Addy moved that the bill be amended to insert "owner or" on page 9, line 13, following "the." That amendment was unanimously approved. Rep. Kadas moved to amend the bill by inserting on page 9, line 14, following "shall," the language "be notified by the seller by certified mail and shall". That amendment was approved unanimously. Rep. Addy moved to strike section 5 in its entirety, which was approved unanimously. Rep. Addy moved to strike "and persons in possession" on page 1, lines 19-20, which was approved unanimously.

Rep. Addy then made a substitute motion of DO PASS AS AMENDED, which passed unanimously.

HOUSE BILL 859: Rep. O'Hara moved DO PASS. Rep. O'Hara then moved the amendments proposed by the department of natural resources and conservation, which were unanimously approved. The committee then unanimously approved Rep. O'Hara's DO PASS AS AMENDED motion.

HOUSE BILL 312: Rep. Raney moved DO NOT PASS on HB 312. Rep. Krueger made a substitute motion to table the bill. Rep. Iverson explained that John Shontz, a major proponent of the bill, had indicated that there were problems with the measure, and that it should be held until after transmittal. The committee unanimously voted to table HB 312.

HOUSE BILL 676: Researcher Hugh Zackheim distributed a list of amendments proposed by the sponsor of HB 676, Rep. Gene Donaldson, to assure that underground pipes connecting to above-ground storage facilities would be included in the bill's coverage. Rep. Raney moved to approve those amendments, which was unanimously approved. Rep. Raney then moved DO PASS AS AMENDED, which was approved on a unanimous vote.

HOUSE BILL 516: Rep. Miles moved to take HB 516 off the table, which was unanimously approved. She said that the amendments proposed by the sponsor, Rep. Kerry Keyser, had cleared up the questions she had about the bill when it was introduced. The committee agreed to act on HB 516 at the next meeting.

There being no further business before the committee, the meeting was adjourned at 10:45 p.m.


Rep. DENNIS IVERSON, Chairman

DAILY ROLL CALL

HOUSE NATURAL RESOURCES

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 23, 1985

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	X		
KADAS, Mike (Vice-Chairman)	X		
ADDY, Kelly	X		
ASAY, Tom	X		
COBB, John	X		
DRISCOLL, Jerry			X
GARCIA, Rodney	X		
GRADY, Edward	X		
HARP, John			X
JONES, Tom	X		
KRUEGER, Kurt	X		
MILES, Joan	X		
MOORE, Janet			X
O'HARA, Jesse	X		
PETERSON, Mary Lou	X		
RANEY, Bob	X		
REAM, Bob	X		
SMITH, Clyde	X		

VISITORS' REGISTER

NATURAL RESOURCES COMMITTEEBILL NO. H B 827DATE 2/23/85SPONSOR LOPEL

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Mike Money	Bozeman.	X	
Steve Humbly	LIVINGSTON W	X	
Duke Hall	CLYDE PARK MT.		
Elizabeth Treacy	Clinton, Mt.		X
JEANETTE RASMUSSEN	Clinton MT.		X
Katie White	Clinton MT.		X
THOMAS WHITE	Clinton, MT.		X
Don McLaughlin	Bozeman, MT.	X	
CHET DREHER	1962 Colo Gul, HLNA		L
Jim McCauley	6166 Hwy 12 W Helena	X	
Jim Pedersen	E. Helena	X	
Robb McCracken	Helena	X	
Linda Stoll-Anderson	Helena	X	
Holley Smith	Glen MT.	X	
Peg Valiton	Brands, Mt.		X
DON VALITON	" "		X
Terry Conrady	Helena		X
Patricia Rice	Helena		X
Wm F. Gower	Helena		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 23

85

19.....

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **391**

FIRST reading copy (**WHITE**)
color

AN ACT TO GENERALLY REVISE THE LAWS PERTAINING TO EMINENT DOMAIN

Respectfully report as follows: That **HOUSE** Bill No. **391**
BE AMENDED AS FOLLOWS:

- 1) Title, line 6
Strike: "70-30-301,"
- 2) Page 6, line 13 through page 9, line 7.
Strike: Section 5 in its entirety
Renumber subsequent section
- 3) Page 9, line 13
Following: "interest, the"
Insert: "owner or his"
- 4) Page 9, line 14.
Following: "shall"
Insert: "be notified by the seller by certified mail and shall"

AND AS AMENDED,

DO PASS

STANDING COMMITTEE REPORT

Page 1 of 2

February 23 1935

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 359

FIRST reading copy (WHITE color)

AN ACT TO ALLOW IN CERTAIN CASES THE TRANSFER OF RESPONSIBILITY
FOR THE CONDUCT OF HEARINGS FOR WATER APPROPRIATION PERMITS
FROM THE DEPT. OF NATURAL RESOURCES TO A DISTRICT COURT

Respectfully report as follows: That HOUSE Bill No. 359

BE AMENDED AS FOLLOWS:

- 1) Title, line 8.
Following: "3-7-502,"
Insert: "AND"
Following: "85-2-309,"
Strike: " AND"
- 2) Title, line 9.
Strike: "85-2-402,"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
- 3) Page 2, line 10.
Strike: "administer"
Insert: "conduct"

DOXPASSX

- 4) Page 3, line 5.
Following: "responsibilities"
Insert: "including, but not limited to, requiring the joinder of persons not parties to the administrative hearing being conducted by the department pursuant to 35-2-309 or 35-2-402 as deemed necessary to resolve any factual or legal issue certified pursuant to 35-2-309(2)"
- 5) Page 3, line 10.
Strike: "Concerning"
Insert: "or of"
- 6) Page 3, line 21.
Following: 35-2-309"
Insert: "or"
- 7) Page 4, line 23.
Strike: "Upon request of a party, at"
Insert: "At"
- 8) Page 4, line 24.
Strike: "and"
Insert: "or"
- 9) Page 5, lines 2-3
Following: "rights" on line 2
Strike: the remainder of line 2 through "parties to" on line 3.
Insert: "at issue in"
- 10) Page 5, line 16 through page 8, line 1
Strike: section 7 in its entirety
Insert: "NEW SECTION. Section 7. Applicability. This act applies to all permit applications and change in appropriation right applications filed and pending with the department on the effective date of this act and upon which a proposal for a decision has not been issued by the department.

NEW SECTION. Section 8. Effective date. This act is effective on passage and approval."

AND AS AMENDED,

DO PASS

STANDING COMMITTEE REPORT

February 23

85

19

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **768**

FIRST reading copy (**WHITE** color)

**AN ACT EXEMPTING APARTMENTS AND OTHER PORTIONS OF BUILDINGS
THAT ARE RENTED OR LEASED FROM REVIEW AS SUBDIVISIONS**

Respectfully report as follows: That **HOUSE** Bill No. **768**

BE AMENDED AS FOLLOWS:

- 1) Title, line 10.
Following: line 9
Insert: "76-4-102,"
Following: "76-4-105"
Insert: "76-4-111,"

(CONTINUED ON FOLLOWING PAGE)

XXXXXX
DO PASS

2) Page 1, ~~line 14.~~

Following: line 13.

Insert: "Section 1. Section 76-4-102, MCA, is amended to read:

"76-4-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following words or phrases have the following meanings:

(1) "Board" means the board of health and environmental sciences.

(2) "Department" means department of health and environmental sciences.

(3) "Extension of public sewage disposal system" means a sewer line that connects two or more sewer service lines to a sewer main.

(4) "Extension of public water supply system" means a water line that connects two or more water service lines to a water main.

~~(3)~~ (5) "Facilities means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.

~~(4)~~ (6) "Public water supply system" or "public sewage disposal system" means, respectively, a water supply or sewage disposal system that serves 10 or more families or 25 or more persons for at least 60 days out of the calendar year.

~~(5)~~ (7) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal facilities until the department has approved plans for those facilities.

(8) "Sewer service line" means a sewer line that connects a single building or living unit to a public sewer system or extension of such a system.

~~(6)~~ (9) "Solid wastes" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, street cleanings, dead animals, yard clippings, and solid market and solid industrial wastes.

~~(7)~~ (10) "Subdivision" means a division of land or land so divided which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision and any condominium or area, regardless of size, which provides permanent multiple space for recreational camping vehicles or mobile homes.

(11) "Water service line" means a water line that connects a single building or living unit to a public water system or extension of such a system."

Renumber subsequent sections.

- 3) Page 2, line 20.
Following: "receiving"
Strike: "an application"
Insert: "preliminary plat approval"
- 4) Page 3, ~~line 1~~.
Following: line 2.
Insert: "Section 4. Section 76-4-111 is amended to read:
"76-4-111. Exemption for certain condominiums. (1) Condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act and this part are exempt from provisions of this part.
(2) Whenever a parcel of land has previously been reviewed under either department requirements or local health requirements and has received approval for a given number of living units for rental or lease, the construction of the same or a fewer number of condominium units on that parcel is not subject to the provisions of this part, provided that no new extension of a public water supply system or a public sewage disposal system is required as defined in this part."
Renumber subsequent sections.
- 5) Page 5, line 10.
Following: "receiving"
Strike: "an application"
Insert: "preliminary plat approval"
- 6) Page 6, line 9.
Following: line 8
Insert: "NEW SECTION. Section 9. Exclusion for certain subdivisions. Subdivisions located within master planning areas and class 1 or 2 municipalities that will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste are not subject to the provisions of this part; except that, if the municipal facilities for water supply or sewage disposal to serve the subdivision constitute either an extension of a public water supply system or a public sewage disposal system, the subdivision must be reviewed in accordance with the provisions of 76-4-105, 76-4-124, and 76-4-127."
- 7) Page 6, line 14.
Following: line 13
Insert: "NEW SECTION. Section 11. Codification instruction. Section 9 is intended to be codified as an integral part of Title 76, Chapter 4, part 1, and the provisions of Title 76, chapter 4, part 1, apply to section 9."

AND AS AMENDED,

DO PASS

February 13

19 85

Speaker:

MR.

Natural Resources

We, your committee on

House

having had under consideration Bill No. 676

First

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reading copy (.....)
color

REGULATION OF UNDERGROUND STORAGE TANKS

Respectfully report as follows: That House Bill No. 676

BE AMENDED AS FOLLOWS:

1. Title, line 11.

Striker: "AND"

2. Title, line 12.

Following: ", "

Insert: "AND 75-10-532."

3. Page 4, line 17.

Following: "engine"

Insert: ", except as provided in subsections (16)(b)(i) through (16)(b)(viii): (i)"

4. Page 4, line 21.

Following: "ground"

Insert: "; and (ii) any underground pipes used to contain or transport a regulated substance and connected to a storage tank, whether the

DO PASS

CONTINUED

February 23

1985

storage tank is entirely above ground, partially above ground, or entirely underground"

5. Page 9.

Following: line 4

Insert: "Section 4. Section 75-10-532, MCA, is amended to read:

"75-10-532. Disposition of moneys collected. All moneys received from the sale of the junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees and fees collected as motor vehicle disposal fees shall be deposited with the state treasurer to be utilized for:

(1) the control, collection, recycling, and disposal of junk vehicles and component parts; and

(2) implementation by the department of health and environmental sciences during the 1987 biennium of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with 75-10-601 through 75-10-604, and the Montana Hazardous Waste Act in accordance with 75-10-401 through 75-10-421, up to an amount not exceeding \$58,690; and

~~(2)~~ (3) implementation by the department of health and environmental sciences during the 1985 biennium of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with Title 75, chapter 10, part 6, up to an amount not exceeding \$220,000."

Renumber: subsequent sections.

hb676.txt
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AND AS AMENDED,
DO PASS
STATEMENT OF INTENT ATTACHED

February 23

19 85

STATEMENT OF INTENT
HOUSE BILL 676

A statement of intent is required for this bill because it delegates rulemaking authority to the department of health and environmental sciences (DHES). House Bill 676 adds petroleum products and certain hazardous substances stored in underground tanks as a new category of materials which may be regulated under the Montana Hazardous Waste Act (MHWHA).

The DHES has been increasingly involved in the cleanup of ground water problems caused by leaking underground tanks. At the national level, congress amended the federal Resource Conservation and Recovery Act of 1976 (RCRA) in November 1984 to include regulation of underground storage tanks and required the environmental protection agency (EPA) to develop a regulatory program for tanks. Since the DHES now administers the existing RCRA program in Montana, it is likely that the state (through DHES) will want to assume the RCRA program for underground tanks as well. Moreover, in the event that the EPA does not adopt a program adequate for Montana or fails to develop a program in a timely fashion, the DHES should have the authority to establish the state's own program to meet the needs of Montana. House Bill 676 will grant the DHES the authority to assume the EPA tank program to be developed under RCRA or to establish a state program independent of RCRA.

Whether DHES follows the federal RCRA program or develops its own state program, it is the intent of the legislature that administrative rules that DHES may adopt for underground storage tanks need not be equivalent to the comparable federal regulations to be developed by the EPA under RCRA. Rather, in view of the growing number and severity of environmental problems related to underground storage tanks in Montana, the legislature intends to grant DHES the authority to establish a regulatory program for underground tanks whether or not it may include elements more stringent than any federal requirements and whether or not the EPA has established a tank program under RCRA.

The legislature intends that the rules developed by DHES include requirements for:

- (1) the design, construction, and installation of underground tanks in a manner that will prevent tank leakage;
- (2) reporting by tank owners and operators;
- (3) leak prevention and detection;
- (4) corrective actions by tank owners and operators if tank leakage does occur; and
- (5) financial responsibility of tank owners and operators for corrective action and compensation to third parties for damages resulting from release of regulated substances from underground tanks.

MINERAL LEASING ACT
Fiscal Year 1983—MONTANA

Under the Mineral Leasing Act, states receive a 50 percent share of bonuses, royalties and rentals received during its fiscal year from mineral leasing activities on federal lands. Payments are made to the State Treasurers based on revenues derived from individual counties. Prior to passage of the Federal Land Policy and Management Act of 1976, the states received a 37.5 percent share.

COUNTY	10/1/82-3/31/83	4/1/83-9/30/83
Beaverhead	\$383,881.50	\$346,271.25
Big Horn	335,272.68	495,341.75
Blaine	222,858.76	140,921.77
Broadwater	47,096.00	48,271.00
Carbon	351,924.36	299,123.20
Carter	211,562.10	270,400.24
Cascade	8,038.78	16,994.25
Chouteau	62,459.31	44,871.93
Custer	66,087.40	151,349.67
Daniels	3,730.75	2,905.00
Dawson	140,782.93	180,623.25
Deer Lodge	34,734.03	25,448.35
Fallon	834,810.46	1,493,662.08
Fergus	70,593.77	74,681.25
Flathead	357,564.50	144,910.00
Gallatin	46,204.75	26,250.75
Garfield	150,747.03	111,953.93
Glacier	30,435.35	36,752.79
Golden Valley	6,116.32	6,254.50
Granite	150,993.38	87,181.60
Hill	38,442.12	6,780.69
Jefferson	28,280.00	39,526.50
Judith Basin	6,460.00	3,901.75
Lake	38,377.00	32,239.50
Lewis and Clark	84,673.32	186,138.50
Liberty	55,588.06	45,892.43
Lincoln	163,563.00	103,502.50
McCone	39,912.65	63,457.95
Madison	208,171.25	128,669.50
Meagher	100,165.00	22,856.50
Mineral	1,054.00	87,326.00
Missoula	92,730.00	56,596.00
Musselshell	57,818.40	31,663.55
Park	18,294.50	28,131.75
Petroleum	81,885.90	60,236.09
Phillips	560,711.74	543,864.35
Pondera	58,769.95	54,771.02
Powder River	598,442.24	1,395,458.47
Powell	93,959.70	138,280.50
Prairie	66,182.77	143,568.78
Ravalli	97,180.50	55,670.00
Richland	452,754.56	75,571.24
Roosevelt	19,133.49	23,452.84
Rosebud	2,848,244.84	1,294,321.23
Sanders	71,468.50	158,129.00
Sheridan	17,303.97	27,256.81
Silver Bow	36,904.46	35,839.00
Stillwater	18,726.83	47,846.75
Sweet Grass	17,269.50	14,948.25
Teton	83,547.51	117,272.17

Toole	208,716.76	149,027.19
Treasure	3,561.00	1,900.21
Valley	215,403.53	158,348.94
Wheatland	11,222.00	8,247.71
Wibaux	202,217.78	364,424.74
Yellowstone	1,647.75	4,736.50
TOTAL	\$10,234,678.74	\$9,714,023.47
TOTAL FOR FY83	\$19,948,702.21	

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE CRITLY

STATE CAPITOL BUILDING, MONTANA 59001 TELEPHONE (406) 491-2926

RECEIVED
MAR 9 1981

EXHIBIT 2
2/23/85

3 March 1981

Robert J. Brooks
County Attorney
Powder River County
Box 345
Broadus, Montana 59317

Denzil Young
County Attorney
Fallon County Courthouse
Baker, Montana 59313

James Seykora
County Attorney
Big Horn County Courthouse
Hardin, Montana 59034

Gentlemen:

You have requested my opinion on the following question:

Does 30 U.S.C. § 191 require the state to spend the money distributed thereunder by giving priority to ~~areas impacted~~ by federal mineral development?

Fifty percent of all money received by the federal government from certain types of mineral leasing is returned to the states in which the mineral development takes place. 30 U.S.C. § 191. That section provides that the money distributed to the states is to be used

as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this chapter, for (i) planning, (ii) construction, and maintenance of public facilities, and (iii) provision of public service [Emphasis added.]

The Montana legislature has allocated 62 1/2% of this money to the school foundation program (§ 20-9-343, MCA) and 37 - 1/2% to the state highway account (§ 17-3-201, MCA). Neither of these statutes makes any mention of giving priority to impacted areas. I do not know whether priority is actually given in the expenditure of funds from either category.

Robert J. Brooks
Denzil Young
James Seykora
Page 2
3 March 1981

The federal statute is plain and unambiguous. It requires that these funds be spent giving "priority to those subdivisions of the State socially or economically impacted" by federal mineral leasing development. The State must comply with this federal mandate if it accepts the funds. Sammons Trucking v. Roedecker, 158 Mont. 397, 400, 492 P.2d 919 (1972). The statute, of course, does not direct that all of the money be spent in impacted areas, but only that priority be given to expenditures in those areas. The method for determining how priority is given is left up to the State. Since the legislature has not provided a method for determining priority, this must be done ~~administratively~~ by the agencies entrusted with the funds under ~~sections 20-201~~ 201 and 20-9-343, MCA. ✓

Very truly yours,

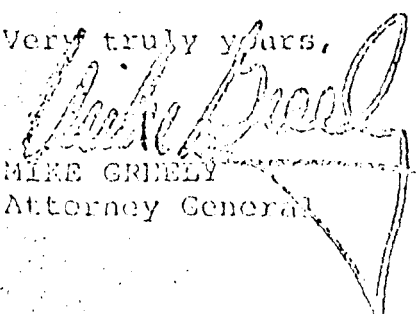

MIKE GRINELY
Attorney General

EXHIBIT 3
2/23/85

MONTANA ASSOCIATION OF COUNTIES

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

TO: Representative Dennis Iverson, Chairman
House Natural Resources Committee

FROM: *Gordon Morris*
Gordon Morris
Executive Director

RE: House Bill 312

DATE: February 22, 1985

Public Law 94-579 states:

"...50 per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after March 31 and September 30 of each year to the state other than Alaska within the boundaries of which the leased lands or deposits are or were located; said moneys paid to any of such states on or after January 1, 1976, to be used by such state and its subdivisions, as the legislature of the state may direct, giving priority to those subdivisions of the state socially or economically impacted by development of minerals leased under the act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public service..."

SURVEY - SELECTED STATES

IDAHO: 90% to state primary and secondary school foundation
10% to county roads or (at the discretion of county commissioners) to local schools

WASH: 100% to common school construction fund (a dedicated state fund)

OREGON: 100% back to those counties where the mineral leases are located. Used for county roads or (at the discretion of the county commissioners) to local schools.

UTAH: 32½% to community impact fund (to impacted counties)
33½% to higher education (land grant universities)
27¼% to legislature for appopriation (water loan program)
2¼% Board of Education
2¼% Utah Geological and Mineral Survey
2¼% Water Research Lab (University of Utah)

COLO: Credited to counties where mineral leases are located using formula:

- 1) 25% state public school fund (primary and secondary)
10% water conservation board fund for water storage construction project only
15% energy impact fund (impact projects)
- 2) Remaining 50% of "county balance"
 - county retains up to \$200,000 - 25% to local schools
75% county government
 - balance above \$200,000 - state public school fund (above can use only \$10.1 million
 - balance above \$10.1 million - 1st \$50,000 - 25% local schools
(4 counties) 75% county government
 - above \$50,000 - 25% local schools
37½% county govt.
37¼% cities within
county by population

EXHIBIT 4
2/23/85

STATEMENT OF WARD SHANAHAN
FOR
MONTANA MINING ASSOCIATION

HOUSE BILL 891-Amendment to the Montana Eminent Domain Law

My name is Ward Shanahan, I am a member of the Board of Directors of the Montana Mining Association. I am also an attorney in Helena with some experience in trying eminent domain cases, both for the Condemnor-builder and for the Condemnee landowner.

The Montana Eminent Domain Law underwent extensive study several years ago at the hands of legislative interim committees and the University of Montana school of Law. It was also the subject of extensive amendment during the 1983 session in a bill submitted by the Northern Plains Resource Council and supported by other landowner groups. That amendment substantially increased the delay in bringing actions to trial and final resolution. While this is no doubt beneficial to the landowner, it should be remembered that the Montana Law probably contains more safeguards for the landowner than most other state laws.

HB891 as originally introduced contained a serious substantive and procedural error on page seven with regard to the powers given to the condemnation commissioners. We understand that the sponsor has agreed to remove this by deleting lines 7-13 on page seven. If this is done we would not have serious objection to the bill.

Respectfully submitted,

MONTANA MINING ASSOCIATION

Ward A. Shanahan

cc Gary Langley

EXHIBIT 5
2/23/85

NORTHERN PLAINS RESOURCE COUNCIL

Field Office
Box 858
Helena, MT 59624
(406) 443-4965

Main Office
419 Stapleton Building
Billings, MT 59101
(406) 248-1154

Field Office
Box 886
Glendive, MT 59330
(406) 365-2525

To: House Committee on Natural Resources
Fr: Russ Brown NPRC Staff

RE: Testimony in Favor of HB 891

2-23-85

MR. CHAIRMAN AND MEMBERS OF THE HOUSE NATURAL RESOURCES COMMITTEE.
FOR THE RECORD, MY NAME IS RUSS BROWN AND I WORK FOR THE NORTHERN PLAINS
RESOURCE COUNCIL. WE ARE RISING IN STRONG SUPPORT OF HOUSE BILL 891. (as amended by
Rep. Addy)

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. WE HAVE HAD THE
PLEASURE AND THE OPPORTUNITY TO TESTIFY BEFORE YOU ON NUMEROUS OCCASIONS
THIS SESSION. MOST OF THE BILLS WE HAVE TESTIFIED ON HAVE BEEN THE RESULT
OF HARD WORK AND COMPROMISE BETWEEN VARIOUS ENTITIES ON ALL SIDES OF THE
ISSUE. HOUSE BILL 891 IS ANOTHER ONE OF THESE BILLS.

THE EXERCISE OF THE POWER OF EMINENT DOMAIN IS A SERIOUS CONCERN FOR
THOSE WHOSE PROPERTY MIGHT BE INVOLVED IN THE "TAKING". HOUSE BILL 891 ATTEMPTS
TO LIGHTEN THE BURDEN ON THOSE WHO ARE BEING OR HAVE BEEN CONDEMNED WITHOUT
BEING BURDENSOME TO THE ONE EXERCISING THIS SOVEREIGN POWER.

THE FIRST SUGGESTED CHANGE DEALS WITH A MANAGEMENT AND FAIRNESS QUESTION.
IF A RANCHER OR FARMER FOR EXAMPLE PLAN ON SHIPPING, BRANDING, IF THEY ARE
CALVING OR HAYING, IT WOULD HELP THEM IMMENSELY IF THEY WERE NOTIFIED 30 days IN
ADVANCE OF A PERSON EXERCISING THE RIGHTS GRANTED THEM AS A PUBLIC USE, WHO PLANS
ON BEING ON THEIR PROPERTY FOR SURVEYS OR EXAMINATIONS.

IT SEEMS THAT THE CHANGE TO JUDICIAL COURT HAS BEEN EXPLAINED QUITE
WELL BY MR. ADDY.

SECTION 3 subsection (6) IS A VALID REQUEST THAT THE INTEREST SOUGHT
FOR CONDEMNATION IS IN FACT THAT AMOUNT THAT IS NEEDED FOR WHATEVER THE PROPOSED
"PUBLIC USE" IS. AGAIN, A RANCHER OR FARMER OR ANY BUSINESSPERSON SHOULD
BE ABLE TO LONG RANGE PLAN AND KNOWING MORE ACCURATELY WHAT SEGMENT OF THEIR
PROPERTY IS TO BE TAKEN, SEEMS TO BE A VERY REASONABLE REQUEST.

REALIZING THE SERIOUSNESS OF A SITUATION WHERE AN OWNER OF PROPERTY IS FACING CONDMENATION, WE SUBMIT THAT 30 days FOR A DEFENDENT TO FILE HIS STATEMENT FOR JUST COMPENSATION AS OPPOSED TO 10 days AS THE PRESENT LAW ALLOWS IS ONLY FAIR, AND SHOULD AGAIN NOT CREATE AN ADDED BURDEN TO THE ENTITY DOING THE TAKING.

THE LAST SUGGESTED CHANGE IS AN ATTEMPT TO ALLOW OWNER OR SUCCESSOR IN INTEREST A FAIR SHOT AT MAKING A BID ON A PIECE OF WHAT HAD BEEN HIS PROPERTY ONCE AND IF THE USE FOR WHICH A LAND HAS BEEN CONDEMNED HAS BEEN ABANDONED.

FINALLY, WE DO NOT THINK IS IS BURDENSOME OR UNREASONABLE TO ASK THAT THE NOTICES MENTIONED BE SENT TO THE OWNERS AND PERSONS IN POSSESSION(a possible leasee)OF THE LAND. NOT BEING AN ATTORNEY, I CAN ONLY STATE THAT THE PURPOSE OF THESE SECTIONS WAS TO INSURE, WHERE POSSIBLE, THAT DUE PROCESS IS ALLOWED THOSE WHO ARE FACING THE PROSPECT OF CONDEMNATION.

MEMBERS OF THE COMMITTEE, WE AGAIN THANK YOU FOR THE OPPORTUNITY TO TESTIFY BEFORE YOU ON A GOOD PIECE OF LEGISLATION. WE URGE YOUR UNANIMOUS SUPPORT OF HOUSE BILL 891, AND WE COMMEND THE CHAIRMAN AND MEMBERS OF THE COMMITTEE FOR A JOB WELL DONE DURING THE FIRST HALF OF THIS 49th LEGISLATIVE SESSION.

RESPECTFULLY SUBMITTED.



RUSS BROWN
NPRC STAFF

EXHIBIT 6
2/23/85



**Sanderson/Stewart/Gaston
Engineering, Inc.**

February 21, 1985

Mr. Mike Money
City/County Planning Board
City of Bozeman
Bozeman, MT 59715

RE: House Bill 827

Dear Mike:

I have reviewed your proposed House Bill 827 to revise the Montana Subdivision and Platting Act. As I read the proposed changes, they appear to provide a much needed tool for local governments to assure that future land splits are done in a manner that will protect the public and surrounding property owners. I would therefore be in complete support of the proposed changes.

Sincerely,

SANDERSON/STEWART/GASTON
ENGINEERING, INC.

Dennis L. Foreman
Dennis L. Foreman, P.L.S.

DLF/jac

Consulting Engineers and Land Surveyors

Billings office:
1629 Avenue D
Billings, Montana 59102-3091
406-245-6366

Bozeman office:
P.O. Box 861
Bozeman, Montana 59715-0861
406-586-0588

EXHIBIT 7
2/23/85

CITY OF BELGRADE
STATE OF MONTANA

February 22, 1985

Dear Distinguished Montana Legislators:

As you are probably aware Belgrade is known as one of the fastest growing areas in the State. In some instances this growth has been good for the community and surrounding areas in terms of the local economic situatuion. However, in other cases such activtiy has put a great deal of strain on local infrastructure and other public services. One of the areas of frustration is that of the existing subdivision and occasional sale laws. Reviewing the great many lot splits and subdivisions in Belgrade is constantly a problem for us due to a large degree on those develolpments we dont't have any review or input on. Poor access, effects on local services (fire, school, etc..), and many design probems all effect how our Community is growing. In addition some of the splits we do review (ie minor subdivisions) are burdensome in terms of their applicability to some of the eight public interest criteria we are required to make a determination on.

As a City Council member and a representative on the local Planning Board, I urge you to give favorable consideration to HB 827 which speaks to many of the local development and subdivision issues we are facing.

Sincerely,

Barb Snider

Barb Snider
Belgrade City Council

EXHIBIT 8
2/23/85

BELGRADE CITY-COUNTY PLANNING BOARD

SERVING THE CITY OF BELGRADE AND SURROUNDING JURISDICTIONAL AREA

February 22, 1985

To: Distinguished Montana Legislators


Re: Proposed Planning Legislation

Please consider this correspondence as a voice of support for HB 827 which speaks to some important planning issues we have been dealing with for a number of years.

Having the distinction of being one of the fastest growing areas in Montana has both advantages and disadvantages. One of the most pressing frustrations we are constantly faced with is in the area of subdivision regulations and statutes. Literly hundreds of acres in our area has and/or is currently being divided for rural residential developments. The main problem is how such activity is being reviewed on a local level. A great many of these splits are not being reviewed and consequently are facing a number of problems in terms of access, effects on local services, and poor design. The proposed HB 827 speaks to much of this in revising the 20 acre nightmare and the wide range of existing occasional sale provisions. Because we are seeing a great many minor subdivisions, language in HB 827 also deals with that issue very well in terms of realistic local review.

In summary, we at the local Planning Board level heartily support timely legislation which deals with the great many subdivision issues that are constantly being wrestled with. Your favorable support of HB 827 is most urgently requested.

Respectfully submitted,



Vern Whiteman, Chairman

Belgrade City/County Planning Board

EX. 9
2/23/85

CONSIDERATIONS FOR HOUSE BILL 827

The mountain valleys of western Montana have a history of land development that dates back to the early 1900's with the origination of the ten acre orchard tracts in the Bitterroot Valley. On occasion "hard times" have checked the growth and eased the impact of boom type development. Still the beauty and recreational opportunities of these areas continue to attract residential development whenever the economy permits people to relocate here.

As most of the legislature is aware, concern voiced by the public in the late 1960's and early 1970's resulted in what we now call the Subdivision and Platting Act.

It may be of some benefit to read the statement of purpose associated with that Act.

SECTION 76-3-102 MCA. STATEMENT OF PURPOSE

It is the purpose of this chapter to promote the public health, safety, and general welfare by regulating the subdivision of land; to prevent overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to require development in harmony with the natural environment; to require that whenever necessary, the appropriate approval of subdivisions be contingent upon a written finding of public interest by the governing body; and to require uniform monumentation of land subdivisions and transferring interests in real property by reference to plat or certificate of survey.

Ironically, the very items quoted in this statement as being the purpose of the law are being frustrated by the law itself. More specifically, the sections that offer exemptions to the law for legitimate reasons have quickly become a tool of abuse used by anyone wishing to develop residential land as a profitable venture. Certainly, we expect land to be developed and we don't wish to jeopardize any one's right to sell his/her land. But at the same time it seems unfair that those who develop for profit should expect the general public to pay the cost of supplying unreasonable services.

The cost of fixing problems already created by helter-skelter development is far more expensive than coordinating the development in the first place. Once a home is constructed you can be sure it is a permanent fixture on the landscape. Utilities, roads, schools, police and fire protection will have to serve the residence at what

ever the cost. Environmental problems created by poor choices in home sites such as flooding, unstable slopes, elimination of valuable wildlife habitat, inadequate open space, inadequate water supplies and unattractive physical surroundings are often too costly to correct at all and lead to eventual devaluation of the land.

In an effort to illustrate specific examples, I will have to refer to actual problems my county (Ravalli) is experiencing. Although these examples are taken from one county in Montana, I feel confident the same problems are common to all mountain valleys of western Montana. If not now, then at least in the near or foreseeable future. These drawings, hopefully will explain what is hard to put into words. Also included is a table showing the number of lots created in Ravalli County in 1984. It shows the total lots created by the use of exemptions vs. the lots that were taken through the review process. It becomes evident that the purpose of the Subdivision and Platting Act is not being accomplished, as stated in 76-3-102 MCA.

LOTS CREATED IN 1984

IN

RAVALLI COUNTY

	<u>Lots</u>	<u>Acres</u>
Parcels Under 20 Acres created by exemptions	221	1103.43
Parcels Created by Review Under Subdivision & Platting Act	<u>58</u>	<u>247.86</u>
Total	279	1351.29

Percentage Created by Review Process Using Acreage $\frac{247.86}{1351.29} = 18\%$
 (Parcels Under 20 Acres)

Percentage Created by Use of Exemptions $\frac{1103.43}{1351.29} = 82\%$
 (Parcels Under 20 Acres)

Total number of lots under 20 acres created in 1984 = 279

Total number of lots under 20 acres created in 1984 by the review process = 58

Total number of lots under 20 acres created in 1984 by use of the exemption = 221

Percentage created by review process using number of lots $\frac{58}{279} = 21\%$
 (Parcels Under 20 Acres)

Percentage created by the use of exemptions using number of lots $\frac{221}{279} = 79\%$
 (Parcels Under 20 Acres)

	<u>Lots</u>	<u>Acres</u>
Parcels over 20 acres	42	1013.37

Parcels in "20's" = 37

Occasional Sales = 84

Gifts to Family = 35

Mortgage Releases = 16

Agricultural Exemptions = 18

Remainders = 68

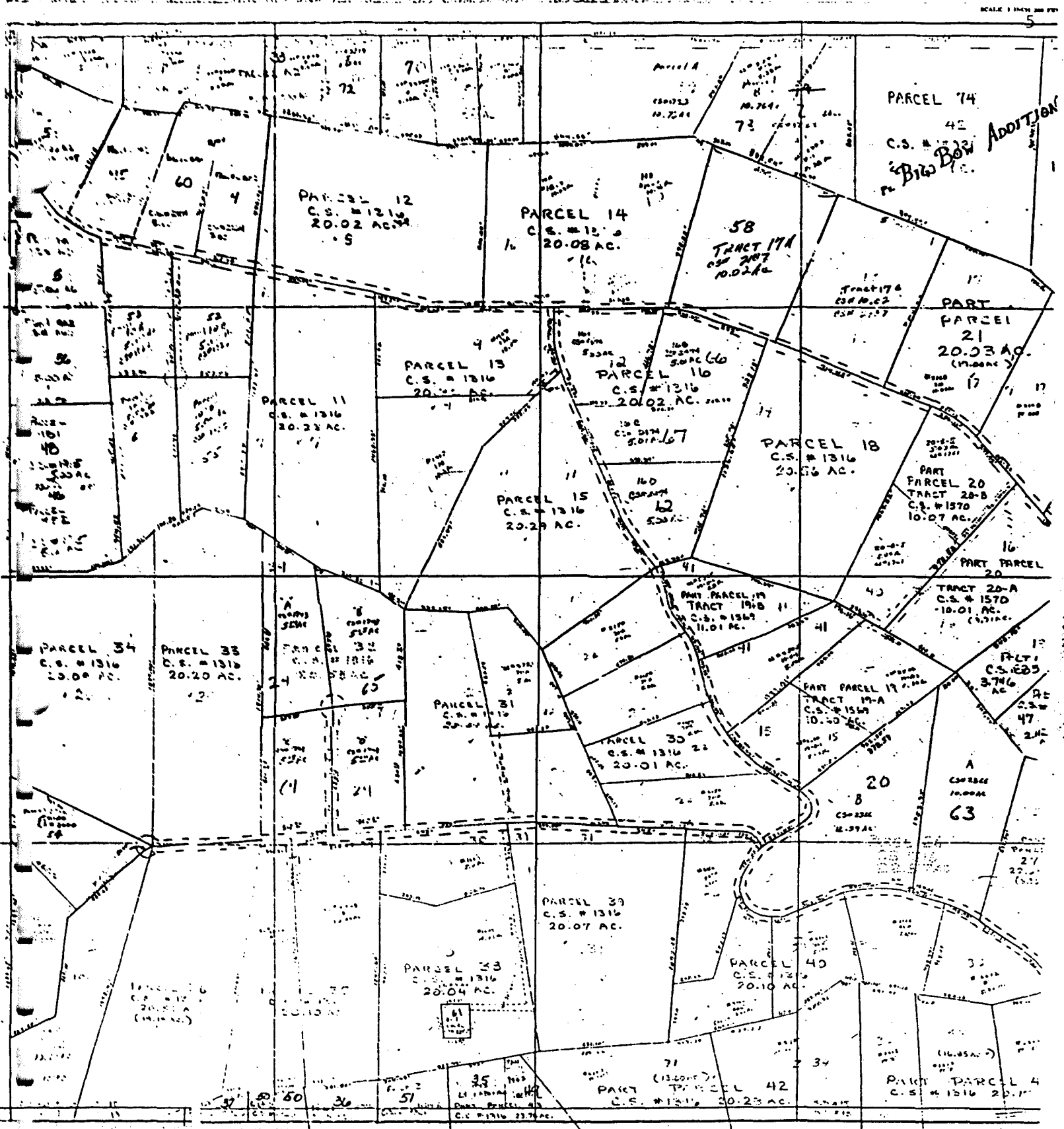
Table 1.

FIGURE 1.

This is an overall view of a section in the Eight Mile area of Florence which is a good example of how land is developed by use of the exemptions.

A section is one square mile of land. The first procedure in dividing the area is to divide it into twenty (20) acre tracts. This is the smallest parcel size allowable without any review process. Some of these "20's" are still intact in the illustration. From this point the "20's" are treated as separate and distinct parcels (either by using partners or family names on separate deeds or contracts). In this manner each parcel will qualify for its own occasional sale, gifts to family members, etc., and the parcels are slowly broken down to smaller and smaller lots with no coordination of roads, fire protection or police protection. No evaluation of the impact on schools, wildlife, taxation, utility companies or public health and safety (availability of adequate water, future pollution of drinking water aquifers, safe roads and intersections).

Of all the lots shown, only the small area in the upper left went through any review process for coordination of the above mentioned characteristics. An alarming number of twenty (20) acre parcels have already been created throughout the county posing a rather ominous potential for continued erratic development.



Overall view of exemption development.

FIGURE 1.

FIGURE 2.

This illustrates how a sixty (60) acre parcel was broken into eight lots and was scheduled for an additional three lots when the developer, who actually lives out-of-state, sold the entire property to another out-of-state party.

At present, we have what constitutes a major subdivision which has evaded any review criteria by use of the gift and occasional sale. The gifts were in fact never given to those parties they were supposedly intended and the occasional sales were never sold as they were originally intended. In the process, the developer got two additional parcels in the form of remainders which also escaped review.

The review criteria is intended to aid residents of the county by coordinating school, road, utility, taxation, health, safety and wildlife concerns.

The top sketch (1.) shows the general outside parameter. The property was purchased by deed as one parcel. Sketch 2. was the first certificate of survey submitted on the tract. By positioning the gift and occasional sale on the east and west they created an additional parcel shown as a remainder when in fact the true remainder was the 37+ acres to the west of the occasional sale.

The next step was to divide the 37+ acre parcel by creating a parcel over 20 acres (Parcel B exempt from review) which leaves a remainder parcel of 17+ acres (Parcel A also exempt from review) sketch 2.

Finally, the twenty (20) acre parcel is broken down by the gift, occasional sale and remainder, all exempt from review (sketch 3.).

The developers surveyor was initiating the creation of three additional lots in Parcel A. when the property was sold in its entirety.

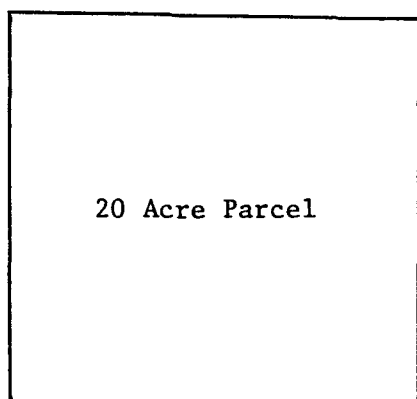


FIGURE 3.

Contractors use a lending institution to write letters of intent to loan money on building projects and in effect create minor subdivisions of spec homes.

Often lending institutions are unknowingly helping to create parcels in areas that would otherwise not be permitted to be broken into smaller parcels. Examples are inside the 100 year floodplain, in high water table areas or other areas where environmental limitations occur.

Example of Mortgage Release Exemption.



Items needed to create a parcel as
as a mortgage release

1. Survey quoting the exemption
2. Letter from a lending institution
3. Five-fifty (\$5.50) filing fee

After filing the parcels are transferred
at will.

1.
2.
3.
4.

Survey No. 1 Five (5) acres

Survey No. 2 Five (5) acres

Survey No. 3 Five (5) acres

Survey No. 4 Five (5) acres

FIGURE 3.

FIGURE 4.

The survey was submitted with the deeds transferring Parcels C-1 through C-6 to family members in order to file the plat. One year later the deeds were all transferred back to the original owner. The statute of limitations had lapsed making it impossible for the county attorney to prosecute. In effect the parcels constitute another major subdivision that has eluded review.

Gift to Family Exemption Abuse

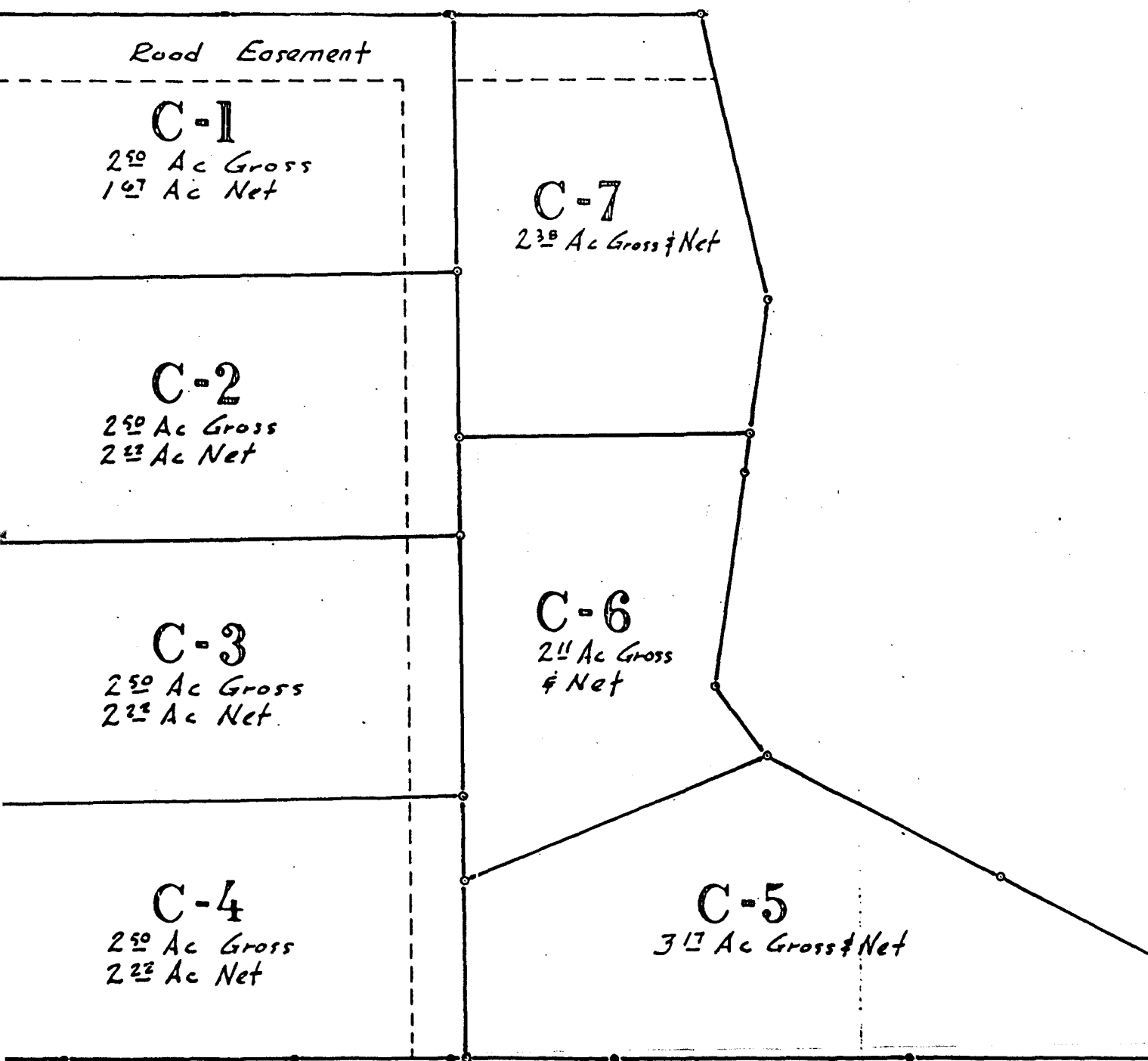


FIGURE 4.

Background on the Subdivision & Platting Act

EXHIBIT 10
2/23/85

Use of Exemptions

In 1980, the Montana Environmental Information Center conducted a subdivision inventory, assessing the implementation of the Subdivision & Platting Act and the use of exemptions during the period 1974-1979. The final report provided the following information:

	Missoula Co.	Ravalli Co.	Gallatin Co.
Subdivided Acreage Not Reviewed	91.3%	92.7%	90.1%
Total Unreviewed Acres	38,923.113	34,455.56	35,469.06
Total Subdivided Acres	42,623.02	37,181.94	39,351.06

During the period 1974-1979, the following exemptions were used most frequently to create the unreviewed acreage reported above:

	Missoula Co.	Ravalli Co.
20-acre Exemption	44%	40%
Occasional Sale	23%	21%
Family Conveyance	14%	8.5%
Other	19%	30%

Problems & Costs

The 1980 Montana Environmental Information Center study also identified the following problems that can arise from unreviewed subdivisions:

Fiscal Impacts

- * **Road Maintenance:** A developer whose plat is reviewed must fund 100% of road construction costs for the subdivision (including bringing existing roads up to county standards). But when subdivisions are not reviewed, developers need only pay for providing "access roads." Maintenance and improvement costs are often passed on to the local governments. For example, in 1980, \$443,000--nearly 20% of the total Missoula County road budget--was used to pave roads in four unreviewed subdivisions.
- * **Police & Fire Protection:** Unreviewed developments affect county services such as police and fire protection. Rural fire departments, usually volunteer, must serve new homes that are often widely dispersed. In rapidly growing areas, some fire departments have to consider changing to a paid staff with better equipment. These factors mean more public costs for serving new developments.

Reduction of Agricultural Land

- * A large amount of unreviewed rural subdivision activity occurs on land that is of prime value to Montana's number one industry--agriculture. In Ravalli County, for example, with 6 of 8 townships inventoried, 48% of prime agricultural land has been subdivided. In Missoula County, 48% of prime agricultural land and 33% of secondary agricultural land has been subdivided.

SURVEY

of four tracts of land in the NW 1/4 of Section 11, T1N, R9E, MPM PARK COUNTY, MONTANA

Survey requested by Beverly J. Peters, et al., desiring to create two 20-acre tracts from 40-acre unpatented lands, and to add the remainder to her homestead, as shown and described on C/S 454. His heirs, to be named and described in the plat, to create a 5-acre tract within it for mortgage release purposes.

Basis of bearings accepted from C/S 276.

* See note on sheet 2

See C/S 440 (SAMS)

See C/S 440 (SAMS)

NOTE: Single proportionate measurement of the approximate point of intersection of the section line with the centerline of Rock Creek

very old fence lines intersect (see corner records)

LEGEND

- Plastic-capped rebar (Tout)
- Surveyed Survey Rate
- Witness corner
- Unmarked (witnessed) corner
- Unmarked side-shot for stream detail
- Boundary, this survey
- Boundary, this survey--to be added to adjacent tract
- Boundary, mortgage release tract (previously created)
- Other tract boundary
- Basement side line

EXEMPT DIVISION OF SECTION 11

T1N, R9E

PARK COUNTY, MONTANA

C/S

19 April, 1978

31 Dec. 1979

11 Feb. 1980

14 Feb. 1980

26 Feb. 1980

3 Apr. 1980

16 Dec. 1980

22 Dec. 1980

8 Jan. 1980

2 Mar. 1981

19 Feb. 1985

Plots to Kroger

Tracts Sams-Peters

1-5+ Mortgage & (2) Remainders

1-3 Acre Adjustment

1-6.6 Acre Mortgage Release

1-5 Acres (1-5)

4-1-20.1-6.1-15 Mortgage/Remainder

2-10 Occasional Sale

6-6 + Acre Occasional Sale

2-10 Acre Occasional Sale

1-7 Acre Mortgage Release

#448

#454

#463

#511

#513

#518

#546

#767

**in the
ROCK CREEK area,
SHIELDS VALLEY**

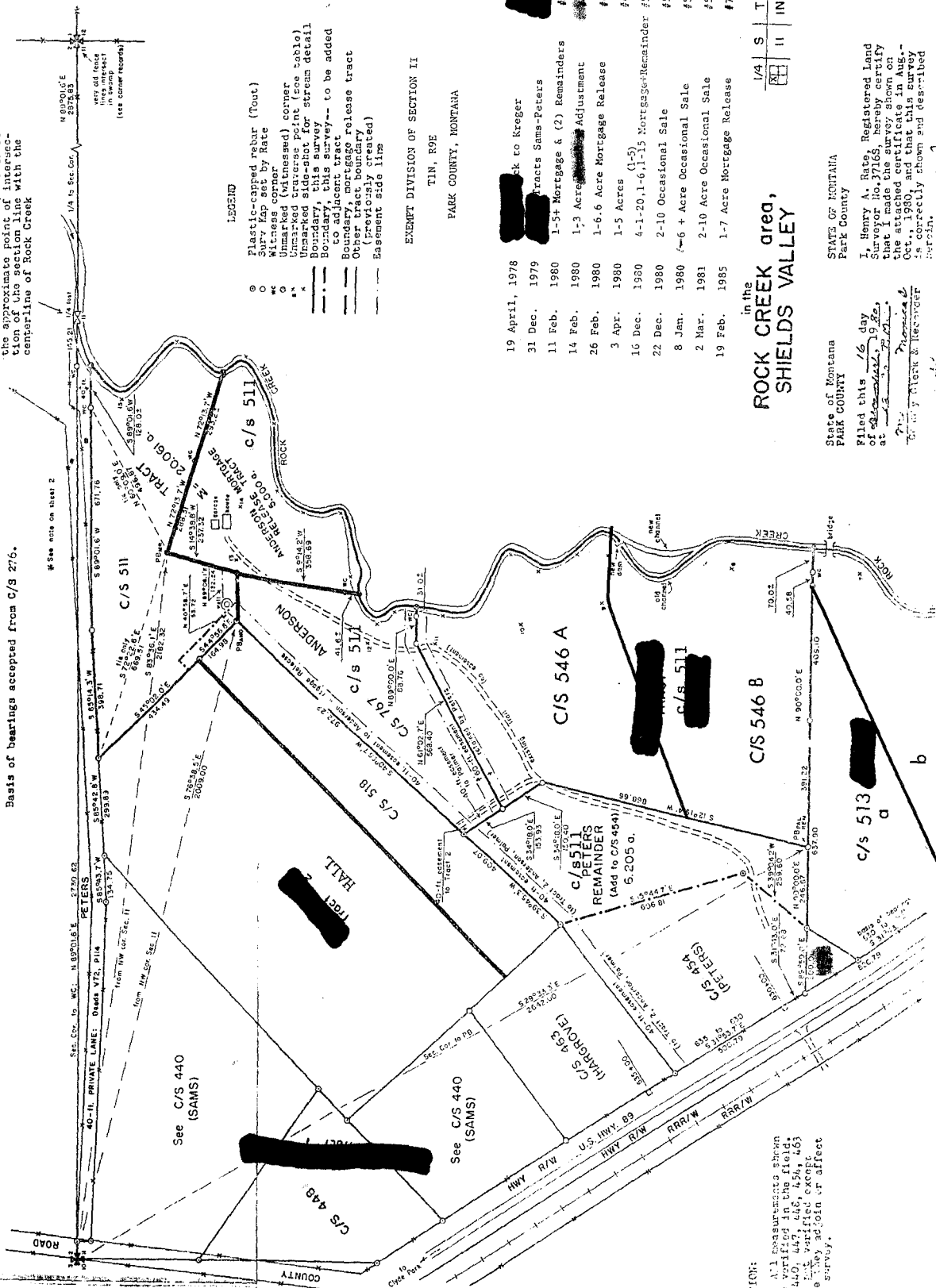
State of Montana
PARK COUNTY

Filed this 16 day
of February 1985
at
Peters, et al.

I, Henry A. Rate, Registered Land Surveyor No. 37165, hereby certify that the survey shown on the attached certificate was made on Oct., 1980, and that this survey is correctly shown and described herein.

AUTION:

All measurements shown here are verified by the field; here they are not verified except here they do not affect this survey.

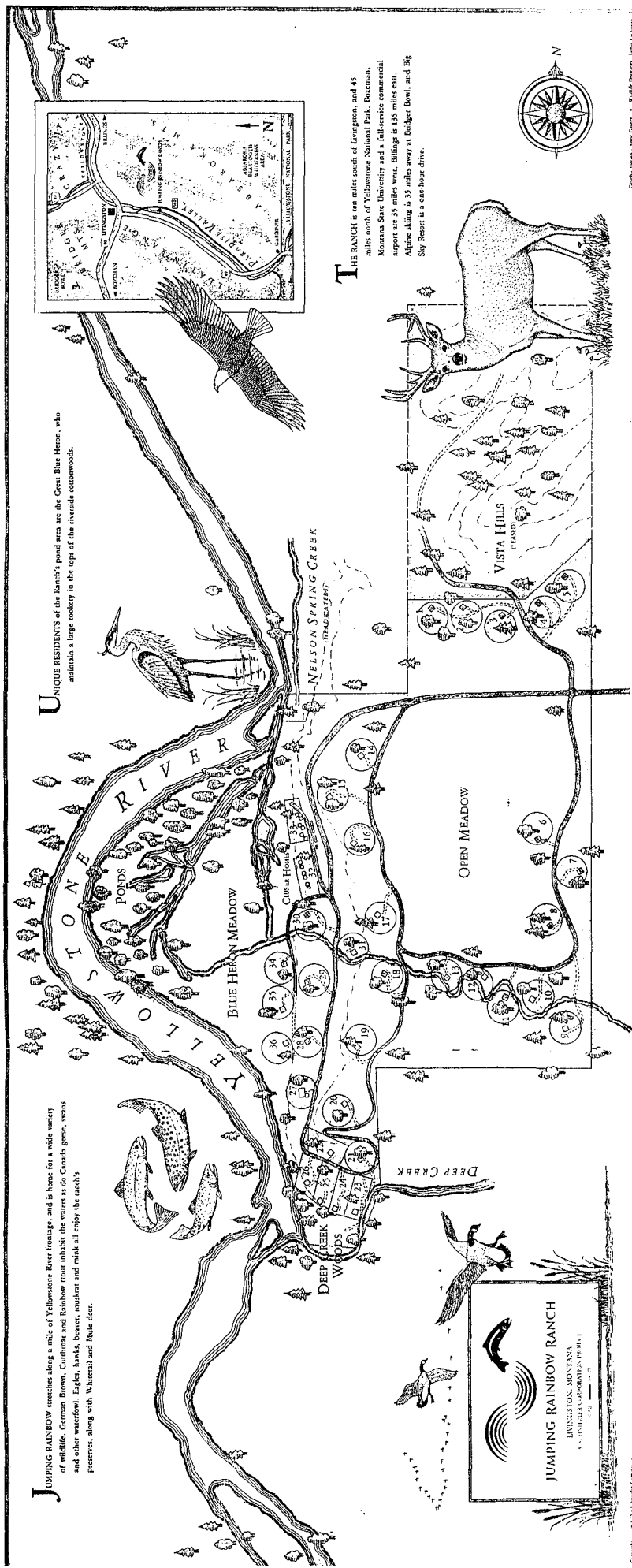


Ex. 11
p. 2
2/23/95

JUMPING RAINBOW stretches along a mile of Yellowstone River frontage, and is home for a wide variety of wildlife. German Brown, Cutthroat and Rainbow trout inhabit the waters as do Canada goose, swans and other waterfowl. Eagles, hawks, beaver, muskrat and mink all enjoy the ranch's preserves, along with White-tail and Mule deer.

UNIQUE RESIDENTS of the Ranch's pond area are the Great Blue Heron, who maintain a large colony in the tops of the river-side cottonwoods.

THE RANCH is ten miles south of Livingston, and 45 miles south of Yellowstone National Park. Bozeman, Montana State University and a full-service commercial airport are 35 miles west. Billings is 135 miles east. Alpine skiing is 35 miles away at Budget Bowl, and Big Sky Resort is a one-hour drive.



JUMPING RAINBOW RANCH
LIVINGSTON, MONTANA
A SUNBELT CORPORATION (PHOTO)
1-800-333-3333

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EXHIBIT 12

S.E.179 Meadowlark Ln.

2/23/85

Hamilton, Mt.

February 23, 1985

To: House Natural Resources Committee

From: Peggy Munoz, Ravalli County

Re: H.B. 827

Chairman Iverson and committee members:

I support H.B. 827 and wish to thank Rep. Earl Lory and others for their efforts in restoring the integrity of the Subdivision and Platting Act.

The uses and abuses of the exemptions far outnumber the uses of the review process in many counties (See attached paper). Attempts to amend local subdivision regulations with criteria to insure proper use of the exemptions are met with local protests. County officials are even threatened with recall action all for doing what they are mandated to do.

The law as written has simply been too vague and too easily evaded. H.B. 827 adequately addresses those loopholes and goes a long way toward standardizing the review process,

The landowner who finds himself in a financial bind or who wishes to make a gift to his spouse or children can still do so. If the financial bind is great or the need to sell making a profit is present the abbreviated minor subdivision review process exists and the burden of the park donation up front has been removed.

Good, coordinated planning makes sense for everyone and ultimately it is profitable for landowners, developers, realtors and county taxpayers.

Thank you for this opportunity to testify,

Peggy Munoz

EXHIBIT 12
p. 2
2/23/84

LOTS CREATED IN 1984

IN

RAVALLI COUNTY

	<u>Lots</u>	<u>Acres</u>
Parcels Under 20 Acres created by exemptions	221	1103.43
Parcels Created by Review Under Subdivision & Platting Act	<u>58</u>	<u>247.86</u>
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Mortgage Releases = 16

Agricultural Exemptions = 18

Remainders = 68

2/23/85

DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT DIVISION



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING—ROOM C 211
CAPITOL STATION

STATE OF MONTANA

(406) 444-3757

HELENA, MONTANA 59620

February 25, 1985

The Honorable Dennis Iverson, Chairman
House Natural Resources Committee
Montana Legislature
Capitol Building
Helena, Montana 59620

Dear Chairman Iverson and Members of the Committee:

On behalf of the Montana Department of Commerce, I urge you to favorably consider HB 827.

The Department of Commerce and its predecessor agencies have worked with the Montana Subdivision and Platting Act (MSPA) since its enactment in 1973. It is the Department's role to provide technical assistance on land development matters to local governments, private developers, design professionals, and other interested parties.

In the Department's years of working with and assisting individuals in land subdivision matters, we have repeatedly seen publicly expensive and dangerous problems caused by defects in the MSPA. The current wording of the definition of "subdivision" (i.e. the 20 acre cut off) and the lack of clarity in the use of exemptions have been extremely problematic. In the current law, the wording which defines the exemptions has caused the subsequent multiple use of these exemptions by certain parties on a single tract of land which has allowed creation of large scale, unreviewed, defacto "subdivisions". The 20 acre definition has allowed the platting of huge areas of 20 acre large scale, multiple lot "subdivisions".

Why is this a problem? In a great number of cases these defacto subdivisions have numerous design problems and public safety problems - substandard and dangerous roads, flooding problems caused by lack of a drainage plan for the development, inadequate bridges or culverts, access problems (no easement or right of way) for property owners. These problems cause grief, litigation, and expense to private property owners. These problems are also local government problems since local governments often have to appropriate tax money from all of the taxpayers of the jurisdiction to upgrade substandard roads or replace inadequate bridges. The noted problems in the MSPA have greatly increased the public costs of providing vital infrastructure,

The Honorable Dennis Iverson, Chairman
House Natural Resources Committee
Helena, Montana
February 22, 1985
Page -2-

thus, increasing the local tax bill for all.

The following is an illustrative and common place example of public safety problems and the financial consequences caused by unreviewed defacto subdivisions:

In Mineral County, roads were not constructed properly by the developer of two defacto subdivisions (Deep Creek and Waterhole). The County, because of the definition of a "subdivision" in the MSPA, did not have the legal authority and opportunity to review the development prior to construction to ensure that the roads were properly designed. The roads are dangerous.

County Road Foreman Don Gull has commented: "As they [the roads] exist they are too narrow and steep for proper snow removal. They lack drainage creating mud and ruts after every rain. These two areas are a nightmare for my department because we can not ensure access to not only the resident landowners but for emergency vehicles such as fire protection, police portection, and ambulance service. School buses can not run and children are required to walk 2 to 3 miles through snow and cold, before sunrise and after sundown to catch the bus."

The County estimates that correcting the road problem will cost the taxpayers \$161,700. The County Road fund does not have money to fund the project. A federal grant proposal (a one time opportunity) for the project was denied. Attempts to finance the project through Rural Improvement Districts have failed twice. County officials have no funding options left and are preplexed as to solutions. The hazards to property owners continue.

The road problems could have been prevented if the County had been able to review the development under the MSPA prior to construction.

Developers also have legetimate complaints about the MSPA. The minor subdivision park requirement is seen as financially prohibitive and unnecessary on the 5 lot or smaller developments. Also, developers complain that there is too much uncertainty in the approval process for minor subdivisions. House bill 827 will correct these problems to the benefit of the developer and businessman.

The purpose of the MSPA is to protect the public health, safety and welfare and to encourage orderly development. As the statute is currently written the MSPA can not accomplish its stated purpose.

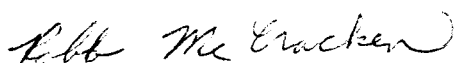
The Honorable Dennis Iverson, Chairman
House Natural Resources Committee
Helena, Montana
February 22, 1985
Page -2-

The Department of Commerce is a pro business, pro development agency. House Bill 827 is a sound development bill. We believe Montanans should build Montana but that we should build it right and with the least cost to Montana Taxpayers.

The Department urges your support of House Bill 827.

Thank you for your time and consideration.

Sincerely,



ROBB MCCRACKEN
Legislative Representative
Community Development Division
Department of Commerce

RMCC:mw

cc: Committee Members

LAKE COUNTY
LAND SERVICES DEPARTMENT

POLSON, MONTANA

59860

ADMINISTRATOR

Paddy R. Trusler

TELEPHONE 406-883-6211

February 22, 1985

PLANNING

Jerry Sorensen

Nancy Thormahlen

SANITATION

Al Hawkaluk

Bill Juran

Honorable Dennis Iverson
House Natural Resources
Capitol Station
Helena, Mt. 59620

Re: House Bill 827

Dear Chairman Iverson and Committee members:

I am chairman of the subdivision committee for the Montana Association of Planners. The changes proposed in the above bill have been worked out through discussions with Representative Lory, the planner's committee, members of the realtors association, and members of the surveyors' association. Although these groups may not agree on certain elements in the bill, I do believe that we all agree constructive changes need to be made to bring the law more into conformance with its purpose. We have tried to balance the bill by tightening some of the loopholes but at the same time streamlining the review process to make it less subjective and more predictable to people who want to subdivide their land.

The purpose of the Subdivision Act is to " . . . promote the public health, safety, and general welfare by regulating the subdivision of land" The provision goes on to state that the purpose is to prevent overcrowding, provide adequate public improvements, require development in harmony with the natural environment, and require uniform surveys. As you are aware, the latest EQC Report indicates that approximately 90% of the land divisions less than 20 acres in Montana are created through exemptions with no public review. This appears to be a contradiction to the purpose of the law. Also, the Attorney General has ruled in a number of opinions that the exemptions should be narrowly applied and the intent of review liberally construed.

The predominant use of the exemptions in Lake County has caused a lack of control in encouraging orderly, planned, efficient, and sound environmental growth. It has resulted in development on floodplains and steep slopes; loss of wildlife habitat; loss of agricultural land and increase in weed problems; poor and non-existent access; and problems with local services, especially fire protection, utilities, and roads. Subdivision review can help overcome these problems, not by stopping development, but by incorporating design elements into land development to avoid these problems.

A related problem with the Subdivision Act is the definition of subdivision at 20 acres. It seems that a logical distinction for regulating land divisions should be whether it is for a homesite or for agriculture use. Our experience has been that 20 acre tracts are not being used for farming. Also, they are often the first step to further land divisions using other exemptions. In Lake County between 1973 and 1984, 8500 acres were divided into 20's. This accounted for 52% of the total land divided in that time period. Many people believe that the 20 acre land divisions are the major land use contributing to the critical weed problem in our county.

Ex. 14
p. 2

Honorable Dennis Iverson
Feb. 22, 1985
Page 2

House Bill 827 attempts to address the definition of subdivision and use of exemptions but also makes the minor subdivision review more reasonable. The objective is to encourage review of small subdivisions so that local government has an opportunity to look at the design elements and mitigate many of the problems mentioned previously. The result can be better quality development, which is in the interest of the public and benefits the private landowner who wants to divide his land. The planner's motivation is to assist in good design rather than regulate for bureaucratic sake.

I trust that you will give serious consideration to H.B. 827 and hope that the legislature will amend the Subdivision Act so that it is more in balance with its intended purpose.

Thank you for your consideration.

Sincerely,



Jerry Sorensen
Planning Director

JS/rc

EXHIBIT 15
2/23/85

LAKE COUNTY, MONTANA

COUNTY COMMISSIONERS

DON CORRIGAN

Polson

HAROLD FITZNER

St. Ignatius

MIKE W. HUTCHIN

Polson

TREASURER

MARJORIE D. KNAUS

CLERK AND RECORDER

ETHEL M. HARDING

ASSESSOR

WILL TIDDY



SHERIFF AND CORONER

GLENN FRAME

CLERK OF COURT

KATHERINE E. PEDERSEN

SUPERINTENDENT OF SCHOOLS

GLENNADENE FERRELL

COUNTY ATTORNEY

JOHN FREDERICK

JUSTICE OF THE PEACE

CHARLES C. MEYER

Ronan

COUNTY SURVEYOR

POLSON, MONTANA 59860

February 22, 1985

Honorable Dennis Iverson, Chairman
House Natural Resources
Capitol Station
Helena, Mt. 59620

Re: H.B. 827

Dear Chairman Iverson and Committee members:

The Lake County Board of Commissioners has reviewed the above bill and discussed it with our planning director. We believe that it is the proper role of local government to review land divisions to insure that adequate public services are provided, and insure that the development will not harm the environment or conflict with adjoining uses. House Bill 827 represents a good compromise between tightening the use of exemptions and making approval of minor subdivisions easier to obtain.

We urge your support for this bill.

Sincerely,

Mike Hutchin

Chairman

Harold Fitzner

Member

MH/HF/rc

EXHIBIT 16
2/23/85



BIG SKY REAL ESTATE

Jct. Highway 93 & 35, P.O. Box 1037
Polson, Montana 59860
(406) 883-5387

February 22, 1985

Mr. Dennis Iverson, Chairman
House Natural Resources Committee
Capitol Station
Helena, Mt. 59620

Dear Mr. Iverson:

I am generally in support of house bill #827. As a real estate broker I am very concerned about the many abuses taking place with subdivision of lands using the occasional sale, family transfer and the 20 acre exemption.

I am however unhappy with the bills current definition of a subdivision. It is not clear. If this bill were to have a more specific definition I would support it 100%.

In Lake County 67% of land divisions have no review process. This bill will tighten loopholes to ensure quality developments and streamline the review process to encourage subdividers to go through review and not use the exemptions.

Sincerely yours,

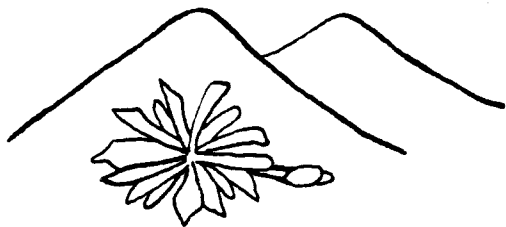
Century 21 Big Sky Real Estate

A handwritten signature in cursive script, appearing to read "Ric Smith".

Ric Smith
Broker Associate

RS/sb

2/23/85



LEAGUE OF WOMEN VOTERS
OF
RAVALLI COUNTY

2/20/85

To: House Natural Resources Committee
From: The League of Women Voters of Montana
Re: HB 827

The Subdivision and Platting Act has been in effect for twelve years now. In that time the various exemptions to review allowed by the law have constituted serious loopholes to the realization of the stated purpose of the act. In those parts of the state where there has been significant subdivision activity the majority of land has been subdivided outside the subdivision review process through the use of the exemptions. This is a potential fiscal timebomb for many Montana counties. For when these exempted land divisions are ultimately developed and occupied, the counties and school districts will find themselves struggling to provide services to scattered and ill-conceived residential developments.

The League of Women Voters of Montana strongly supports HB 827. We believe this bill would go a long way toward restoring the intent of the exemptions which was to relieve the landowner who wished to make an occasional or isolated land transaction from having to go through a full review process. These exemptions, we believe, were never intended to become the standard means of creating subdivisions in Montana.

Our one concern about HB 827 is that in closing up one set of loopholes it may run the risk of opening up another. The so-called "minor" subdivision review process is already a frequently used and vastly abbreviated review process. Next to the exemptions, the minor subdivision is the most frequently used form of land division in western Montana. Major subdivision submittals are rare.

By proposing to eliminate the first minor subdivision from a tract of record from consideration under the eight public interest criteria, HB 827 could seriously hamper efforts to review subdivisions responsibly and effectively. For instance, by cutting off "expressed public opinion" an important source of information about a proposed subdivision will be eliminated. Frequently the input of surrounding landowners provides information that is not presented by the developer or his agents, and results in an improved subdivision. Furthermore we feel that consideration of effects on taxation, agriculture, the natural environment and on wildlife habitat are of just as much concern with regards to the first minor subdivision from a tract of record as they are with regards to the second.

If the exemptions are tightened up we will certainly be seeing more minor subdivisions submitted. This is not the time to weaken the minor subdivision review process

Ex. 17

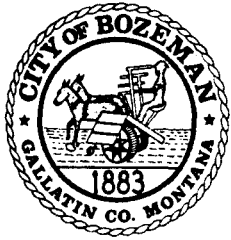
P. 2

2/23/77

We realize that the donation of land or money for parks has been resented by developers of small tracts. We have no objection to relaxing this obligation on the first minor subdivision from a tract of record.

On balance the League of Women Voters of Montana believe that HB 827 will vastly increase the effectiveness of the subdivision and platting and with the exception of our above stated concerns, we support this bill.

Thank you for this opportunity to comment.



THE CITY OF BOZEMAN

411 E. MAIN ST. P. O. BOX 640 PHONE (406) 586-3321
BOZEMAN, MONTANA 59715

EXHIBIT 18
2/23/85

February, 1985

Distinguished Montana Legislators


The Bozeman City Commissioners would like to take this opportunity to speak out in support of House Bill #827. As with many Montana communities, this past year we also have become increasingly aware of the deteriorating condition of our local infrastructure systems, (i.e., streets, bridges, roads, etc.). We believe the Subdivision Laws as they exist today contribute to that dilemma.

Due to the lack of effectiveness of the current definition of a "Subdivision", and the abuse of the exemptions, thousands of acres have been subdivided and developed without local review. Many of these tracts are located in areas that do not have the public facilities to satisfy and adequately handle the impacts. Consequently, the cost of resolving these problems has fallen on the shoulders of both the City and County taxpayers, ultimately causing an increase in taxes.

We believe the existing Subdivision Laws must be amended to allow local governing bodies to bring these and many other associated problems back into check. House Bill #827 provides that opportunity.

Thank you for your consideration in this matter.

Sincerely,


Ken Weaver
Mayor

KW/pag



**BOZEMAN
CITY COUNTY
PLANNING BOARD**

411 EAST MAIN
P.O. BOX 640, BOZEMAN, MONTANA, 59715
PHONE: (406) 586-3321

EXHIBIT 19
2/23/85

February 22, 1985

HONORABLE MONTANA LEGISLATORS

The Bozeman City-County Planning Board is pleased to take this opportunity to show our unanimous support for House Bill #827. As appointed representatives of both the Bozeman City Commission and the Gallatin County Commission, we have the responsibility to review all subdivision applications within our jurisdictional area to insure that the health, safety, and general welfare of the public is not compromised. Due to our position we have witnessed the unfortunate affect exempt divisions of land have on public facilities, (i.e., streets, roads, bridges, police, fire, etc.).

We believe that rural development is inevitable, and as such should occur in areas that have the facilities to safely and adequately service it. House Bill #827 allows the local governing bodies to have the needed control to insure the tracts to be created in the rural sector will occur on roads that can safely absorb the additional traffic load; that lots have acceptable and safe building sites; and that police and fire protection is reasonably available. The Legislation being proposed will help reduce the constant need to increase local taxes for the benefit of just a few.

We believe the existing Subdivision Law is inadequate to meet the current needs. Therefore, we request your support to House Bill #827. Thank you for your concern and consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joel Shouse", written over a horizontal line.

Joel Shouse, Chairman
Bozeman City-County Planning Board

Lewis and Clark Areawide Planning Organization

EXHIBIT 20
2/23/85



City-County Building
316 N. Park
P.O. Box 1725
Helena, Montana 59624
406-442-9920 Ext. 374

Gustav A. Byrom III, Director

File: 1010 827&791.HB

February 22, 1985

TESTIMONY

HB 827 and HB 791

At the present time, the Subdivision and Platting Act permits property to be divided without review through the use of exemptions. These exemptions include the occasional sales and gifts to family members.

From June 1, 1984 to January 1, 1985, outside the Helena city limits in Lewis and Clark County, 123 new lots were created by exemptions and were not reviewed. Thirty of these new lots were created using the occasional sale exemption; eleven new lots were created as gifts to family members. The remaining 82 tracts that were created were each larger than 20 acres in size.

During this same time period, the Areawide Planning Organization has reviewed seven subdivision applications. These seven subdivisions have created 19 additional lots. Fourteen new lots were located in the City of Helena. The remaining five new lots were located in Lewis and Clark County outside the Helena city limits.

These figures indicate that of the total 128 newly created lots located in Lewis and Clark County and outside the Helena city limits, less than three percent of the new lots were reviewed. Ninety-seven percent of the land divisions that occurred during this recent six-month period did not take into account concern for the health, safety, and general welfare of the public.

In regard to the occasional sale exemptions:

At the present time in Lewis and Clark County, some very serious problem are occurring in the south hills adjacent to the Helena city limits. Properties originally divided into 20-acre tracts are being further subdivided by using the occasional sale exemptions. The resulting problems are related to the steep topography and the effects that development has upon drainage; topography and the subsequent difficulty in locating a septic system on the property due to bedrock; roads are improperly constructed without any thought for their relationship to the surrounding environment; the individual subdividers have no foresight for how the traffic generated from the newly created lots will merge and connect with the existing county and city streets; no thought is given to fire protection, or the over-all quality of life. And finally, no parkland dedication nor cash-in-

Ex. 20
2/2
P.2

lieu of parkland is provided.

To address these cumulative problems in the south hills, a consultant has been hired to determine the solutions, and develop an over-all plan for the south hills. At the present time, it is unknown how costly it will be for Lewis and Clark County and the City of Helena to correct the cumulative problems that have been caused by these individual landowners who have subdivided property (by using the existing exemptions from review).

In addition, the present language of the existing Subdivision and Platin Act is unclear as to how to interpret the 12-month time period. The present language regarding the 12-month period is confusing, resulting in different interpretations which may vary from county to county. HB 827 clarifies the 12-month period.

In regard to the exemptions for gifts to family members:

At the present time in Lewis and Clark County, land divisions often occur as gifts to family members. These properties are frequently further subdivided by utilizing the same exemption and/or by the occasional sale. The present law does not specify any time limit that after a person receives property as a gift before that person can further subdivide the property using the various unreviewed exemptions.

Again, no consideration is given for the cumulative effects of the individual subdivisions, and the need for local services, such as fire protection and schools, and the cost to local governments for those services. Nor is any thought given to the over-all quality of life, which in turn affects property values. And finally, no parkland dedication nor cash-in-lieu of parkland is provided.

In regard to the exemption for parcels over 20 acres in size:

In Lewis and Clark County, substantially large portions of property are originally divided into parcels over 20 acres in size. If the original intent was to provide the individual farmer with a financial option, then that objective is generally not achieved. Entire sections (640 acres) have been subdivided, without review, into 20-acre parcels. Generally, the individuals who have created such subdivisions have not been farmers, but rather large landholders who speculate and subdivide for profit.

The larger parcels are generally located farther from local government service area, which makes it more expensive for local governments for fire protection, sheriff's services, and road maintenance. In addition, subdividing many sections has a cumulative effect on the enrollment capacities of schools. In the Helena Valley of Lewis and Clark County, the 20-acre parcels occur within the boundaries of one school district. In School District #3, one school is filled to capacity. In April, the voters in that school district will decide whether to annex with another district to alleviate overcrowding.

If the additional subdivisions that have been created had been

reviewed, then the local governments could have planned ahead for the additional needs for services, such as schools. The subdivider could have shared some of the responsibility for the needs of the future residents of that subdivision. But because the local governments do not have the option for review, the taxpayer bears the financial burden while the individual subdivider has all of the financial benefit. Again, no consideration is given to the over-all quality of life. And finally, no parkland dedication nor cash-in-lieu of parkland is provided.

In short, the individual subdivider thinks of only the benefits to the individual, and not to the consequences that may occur later as a result of the land subdivision. No consideration is given to the quality of life of the future residents of the unreviewed subdivision. In addition, no consideration is given to the quality of life of the persons owning property adjacent the lands subdivided by the individual. And no consideration is given to the integrity of the land. Yet, the cumulative effects of actions taken by many different individuals are serious concerns to local governments that cannot continue to be ignored.

Local government is responsible for the health, safety, and general welfare of its citizens. This responsibility for the public includes addressing the following concerns:

health concerns that relate to water and air quality, noise, and general quality of life;

public safety concerns that relate to the construction and alignment of roads, and fire protection, natural hazards such as parcels located within floodplains and close to earthquake faults;

general welfare concerns that relate to drainage and environmental impacts and constraints, access, availability of utilities, the effects on agriculture, and the effects on local services.

Recognizing the local government's responsibility for the health, safety, and general welfare of its citizens, the 1983 Lewis and Clark County Comprehensive Plan has identified the following goals (page 7):

General Goal -- "To promote orderly development in Lewis and Clark County"

Land Use Goals -- "To promote proper land use planning"

-- "To provide an effective road network"

-- "To promote...the preservation of agricultural lands"

The Lewis and Clark County Comprehensive Plan also identifies various public health and safety goals (including a goal to

Ex. 20
2/23/5
p. 4

adequately provide services) which are generally considered during the review of land subdivisions.

How can the goals of a County's Comprehensive Plan be implemented if unreviewed land divisions are permitted by various exemptions? How can local governments effectively plan their needs for future services when unreviewed subdivisions are permitted? The present Subdivision and Platting Act does not provide authority for local governments to enact its responsibility for the health, safety, and general welfare of its public! To not have the reviewing authority for land divisions that occur within the local government's jurisdiction is the ultimate paradox!

HB 827 and HB 791 will give the local governments the needed authority for subdivision review that they presently do not have. Permitting review of subdivisions that are presently exempted will enable local governments to provide for the health, safety, and general welfare of its citizens in a more effective manner.

The AREAWIDE PLANNING ORGANIZATION supports HB 827 and HB 791, and asks that your approve these bills.

Sincerely,

Kathy Macefield

Kathy Macefield, Planner
AREAWIDE PLANNING ORGANIZATION

EXHIBIT 21
2/23/85

MONTANA WEED CONTROL ASSOCIATION

P.O. BOX 2414 • GREAT FALLS, MONTANA 59403

February 22, 1985

Dennis Iverson, Chairman
Natural Resources Committee

Dear Mr. Chairman:

I would like to address you and the Natural Resources Committee in support of HB 827.

Poorly planned subdivisions are a growing concern for all of us involved in noxious weed control. Poor road construction and utility installation leave disturbed areas that quickly become infested with noxious weeds.

If weeds in these areas are not controlled immediately they soon become the neighbor's problem and the problem of the local weed district. The cost of such situations in many localities have surpassed the resources available to deal with them. I feel that the provisions of HB 827 will go far in solving the subdivision weed problem.

Thank you for your interest.

Sincerely,



Bill Otten, President

EXHIBIT 22
2/23/85

MISSOULA RURAL FIRE DISTRICT
2521 South Avenue West
Missoula, Montana 59801

MR. JIM RICHARD
Box 820
East Helena, MT 59635

Dear Mr. Richard,

I will be unable to attend the hearing on House Bill 827 Saturday, but would like to have testimony read or submitted on behalf of the Missoula Rural Fire District.

Scattered development in rural areas creates several real problems for proper fire protection. One significant problem is the difficulty, under emergency situations, of locating a home in areas where development is sparse and scattered, and there is inadequate signing or no coordinated addressing system.

Large lot subdivisions and random housing developments increase our travel time in responding to a call. Too often the roads in rural areas have not been well planned or designed and fire fighting equipment has great difficulty in traveling roads which are steep, narrow or poorly constructed.

Unreviewed parcels seldom have adequate water supplies available for fighting fires in residential developments.

Local government review of subdivisions can significantly enhance fire protection by enforcing standards that can prevent the spread of fire, assure adequate roads for fire vehicles, and assuring that adequate water systems can provide sufficient flows for fire protection.

We strongly support House Bill 827 because of its benefits for rural fire protection.

Sincerely,

Bruce Suenram, Chief
Missoula Rural Fire District

*By Telephone
Feb 22, 1985*

EXHIBIT 23
2/23/85

Stillwater Mining Company

A Chevron, Manville, Anaconda Partnership
Managing Partner: Chevron Resources
Star Route 2, Box 365, Nye, MT 59061
(406) 328-2221

February 22, 1985

Mr. Jim Richard
P.O. Box 820
East Helena, MT 59635

Dear Jim,

I support the Montana Association of Planners' and Stillwater County's positions favoring passage of House Bill 827 "An Act to Revise the Montana Subdivision and Platting Act..."

In our recent work on the preparation of a Hard Rock Mining Impact Act (HB-718) plan for the Stillwater County area of our proposed mining operation, it became apparent that the implementation of a cost-effective plan could be hampered by "loopholes" in the present Subdivision Act. Increased governmental service costs resulting from mining induced population growth could be magnified by several times if haphazard development occurs throughout the county. The proposed amendments contemplated by HB 827 would improve a county's ability to manage growth in the best interest of all its citizens.

Sincerely,


L.A. Darling

LAD/kmw

EXHIBIT 24
2/23/85



cascade county planning board

~~CASCADE BUILDING, ROOM 250~~
~~1601 1/2nd AVENUE NORTH, GREAT FALLS, MONTANA 59404~~
telephone (406) 761-6700

415 3rd St. NW
Great Falls, Montana 59404

Representative Jesse O'Hara
Capitol Station
Helena, Montana 59620

February 22, 1985

Dear Representative O'Hara:

The Cascade County Planning Board would like to enlist your support for the passage of House Bill 827 which will be coming before the House Natural Resources Committee in the near future.

Since 1973 when the Subdivision and Platting Act became law hundreds of parcels of land have been created by use of the various exemptions in the subdivision law. While many of the land divisions were legitimate uses of the exemptions many were not. Developers would use the various exemptions, such as the Occasional Sale and Family Conveyance, to create unreviewed subdivisions rather than going through the subdivision review process.

In Cascade County over three hundred (300) land divisions totaling over fifteen hundred (1500) acres have been subdivided since 1979 by use of the Occasional Sale and Family Conveyance exemptions. This number far exceeds the number of reviewed subdivision lots created over the same period of time..

One of the reasons why the exemptions are being abused is the cash-in-lieu of parkland payment currently required for minor subdivisions. In many cases the parkland payment, one-ninth of the market value of the land to be subdivided, can amount to several thousand dollars for a five (5) lot subdivision. Rather than pay a large sum for parkland small developers will use the subdivision exemptions and create unreviewed subdivisions which may or may not have legal access, safe water supply and sewage disposal, or meet local planning and zoning requirements.

It is the intent of this Bill to restrict the exemptions in the subdivision law to their legitimate uses and at the same time abolish the cash-in-lieu of parkland requirement and reduce the review criteria for minor subdivisions thus making it more attractive for small-scale developers to go through subdivision review.

EX. 24

P. 2

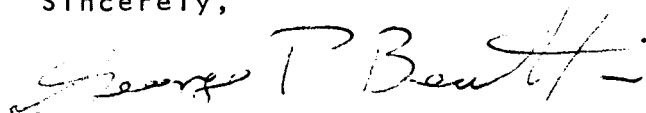
2/23/84

In the long run it is the future lot buyer that benefits by knowing his lot has been reviewed by local government and found to be suitable for building purposes.

Should you have questions concerning this bill or other planning and subdivision legislation, please contact our County Planning Director, Roger Sanders, at 761 6700 Ext. 260.

Your support of HB 827, would be greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "George T. Beattie".

George Beattie, Chairman
Planning Board
Cascade County

Richland County Planning Board

P.O. Box 1011
Sidney, Montana 59270

County Board
Dwayne Hayden
Chairman

Sharon Haugen
Planning Director

City-County Board
Dwayne Hayden
Chairman

Greg Fedora
Vice Chairman

D'ette Marker
Administrative Assistant

Greg Fedora
Vice Chairman

EX#11317 25
2/23/85

February 21, 1985

Representative Dennis Iverson
Members of the House
Natural Resources Committee
Montana House of Representatives
Capitol Station
Helena, Montana 59601

Dear Representative Iverson and Committee Members,

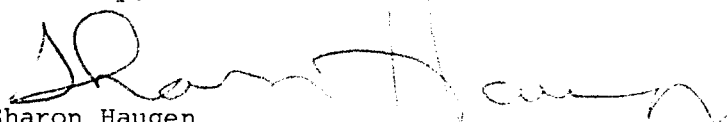
I am writing you regarding House Bill 827, the bill revising the Montana Subdivision and Platting Act. I am in support of this particular legislation and I would urge you and your committee members to also support it.

The proposed legislation would allow for equitable use of the subdivision exemption. It serves to more clearly define when an exemption to the subdivision act is applicable. It also makes provisions whereby the county may guarantee that minimal services can be provided, i.e., the section requiring evidence of legal access or easements for ingress and egress.

I believe that this bill will allow for a more effective and efficient subdivision review system in Montana and I again urge your support.

Thank you for your consideration.

Sincerely,


Sharon Haugen
Planning Director

SH/dm

EXHIBIT 4
2/23/88

Miles City - Custer County

City-County Planning Board

President: Les Mahon

City Hall
P.O. Box 910
Miles City, Montana 59301
(406) 232-6339

Vice-President: Tom Marum

February 21, 1985

House Natural Resources Committee
c/o Jim Richard
P.O. Box 820
East Helena, MT 59635

re: House Bill 827

Honorable Committee Members:

I have reviewed the text of House Bill 827 as submitted on behalf of the Montana Association of Planners. As a member of this organization, I know that a great deal of thought and discussion went into the preparation of this bill.

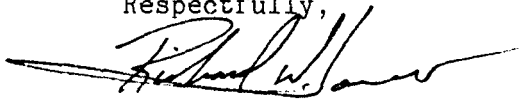
My personal opinion as a practicing planner is that these changes are a rational approach to the problem of unreviewed subdivisions. At the same time, they do not create too great a burden on legitimate uses of the exemptions.

Review-exempt parcels currently have no standards to attain. Requiring that they meet any applicable zoning regulations and provide legal access simply guarantees that a usable, functional parcel is created. Such a result benefits buyer, seller, and the public. However, without standards, many unusable parcels have been created.

Redefining "subdivision" to include multiple parcels, regardless of size, where lots are served by common road, water, or sewer systems, or sold under a common promotional plan primarily benefits local governments. The ever-increasing cost of providing even minimal services, especially to scattered rural housing developments, virtually demands some local control. This fact is becoming evident even in less-populated areas like Custer County. Two major, review-exempt developments here, with others in the planning stages, are creating strains on road maintenance and law enforcement departments.

Other proposed changes constitute mostly clarification of existing provisions, with some revisions to eliminate exemption abuse. Overall, this bill does not create a great labyrinth of over-regulation. It simply helps insure that subdivisions which deserve local review are reviewed and meet rational standards for providing services. I urge your committee to recommend this bill for passage.

Respectfully,



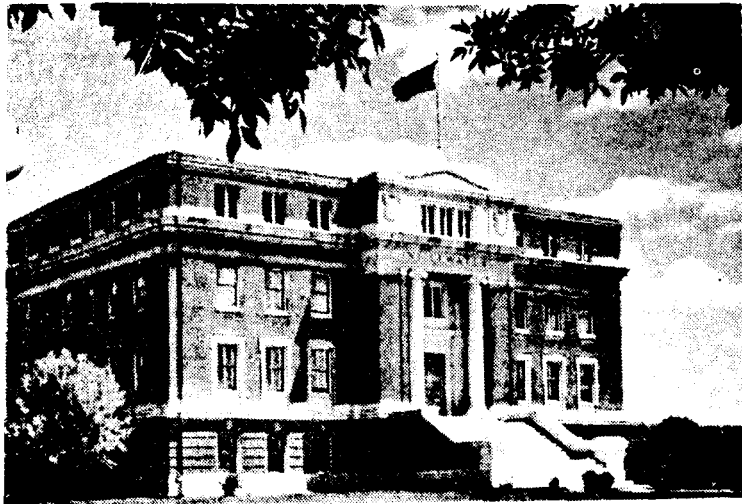
Richard W. Jones, Planner

EXHIBIT 27
2/23/85

COUNTY OF STILLWATER STATE OF MONTANA

COLUMBUS, MONTANA

February 22, 1985



Dennis Iverson, Chairman
Natural Resources Committee

Mr. Chairman:

We encourage your committee to support HB 827 to revise the Montana Subdivision and Platting Act. Under the existing statute numerous problems have occurred in Stillwater County. Please consider the following examples.

1. A ranch of more than 4,000 acres was recently divided into over 200 twenty acre tracts, exempt from review. Shortly after the filing of the survey the adjacent landowners retained an attorney and are disputing the county road access to the 20 acre tracts. The county is now involved in the legal dispute over the road. This is an added expense to the county.

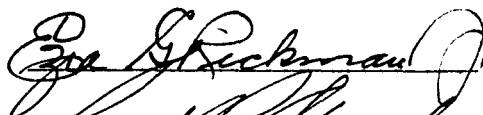
2. Another survey on the west end of Columbus used gift to family member, occasional sale, and agricultural exemptions to exempt four lots from review. This development makes it more difficult and expensive to extend roads, water, and sewer in that direction.

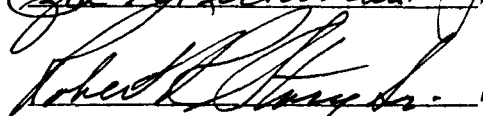
3. There have been several tracts of land surveyed and filed with the Clerk and Recorder which have no legal access to them. These were exempt from review but subsequent buyers, realtors, attorneys and adjacent landowners request solutions to these problems. It is costly for everyone concerned to correct problems after the fact.

4. Other surveys, exempt from review, have created impacts to an unincorporated town to the extent that streets no longer follow a logical pattern and the sewer system is overloaded beyond its capacity.

These problems can only be corrected at an expense which could have been avoided if the surveys had been properly reviewed. We believe HB 827 would help to prevent many of these problems and reduce unnecessary costs. Thank you for considering our concerns. Please support HB 827.

Sincerely,
BOARD OF COUNTY COMMISSIONERS

 Chairman

 Member

 Member

Amend HB 827, first reading bill, as follows:

1. Page 2, lines 19 through 22
Strike: lines 19 through 22 in their entirety
Insert: "sale of a division of land within any 12 month period"
2. Page 4, lines 12 through 16
Following: "homes"
Strike: remainder of line 12, lines 13 through 15 in their entirety, and "water system" on line 16
3. Page 6, lines 10 and 11
Following: "sale"
Strike: "one transfer"
Insert: "a gift or sale"
Following: "any"
Strike: "each"
Insert: "any"
4. Page 6, lines 12 through 18
Following: "family"
Strike: remainder of line 12, lines 13 through 17 in their entirety, and "chapter" on line 18
5. Page 6, line 24
Following: "agricultural"
Insert: "or industrial"
6. Page 6, line 25
Following: "agricultural"
Insert: "or industrial"
7. Page 7, lines 3 through 9
Following: "sale"
Strike: remainder of line 3, and lines 4 through 9 in their entirety
Insert: "."
8. Page 8, lines 8 through 11
Following: line 7
Strike: lines 8 through 11 in their entirety
Insert: "(a) the landowner shall certify as a notation on the plat that legal access and easements for ingress, egress, and utility extensions will be reserved on the parcel as necessary."
9. Page 8, lines 21 through 24
Following: "lot"
Strike: remainder of line 21, and lines 22 through 24 in their entirety
Insert: "size and shape."

EX. 28
2/23
p.2

HB 827 amendments, cont'd

MAR 2/23

10. Page 9, line 17

Following: "playgrounds"

Insert: ", and the provisions of subsections (1), (2), and
(3) of 76-3-605"

11. Page 9, line 23

Following: "regulations"

Strike: "and the effect on local services"

The Honorable Ted Schwinden
Governor of the State of Montana

The Honorable William J. Norman
President of the Montana Senate

The Honorable Members of the Montana Senate

The Honorable John Vincent
Speaker of the Montana House of Representatives

The Honorable Members of the Montana House of
Representatives

The Board of County Commissioners, Missoula County

Greetings from the rural citizens of Missoula County:

The herinafter named rural citizens of Missoula County do hereby petition the combined legislature of the State of Montana and urgently request that the Honorable William Norman, President of the Montana Senate and the Honorable John Vincent, Speaker of the Montana House of Representatives, read this petition into the Journals of, and to the members of, the Montana Senate and the Montana House of Representatives, respectively.

WHEREAS, we herinafter named rural citizens are property owners, and taxpayers, and

WHEREAS, Article II, Section 1 of the Montana Constitution states, in part, "All political power is vested in and derived from the people.", and

WHEREAS, the Montana Legislature is charged with making laws for the governance of the people, and

WHEREAS, we perceive ourselves to be subject to a plethora of laws and regulations having to do with restrictions placed on our uses of our properties, which laws and regulations are often imposed in the name of "common good", "environmental concern", "community development", "comprehensive planning", or "public interest", and

WHEREAS, the Montana Legislature is, or will be, faced with proposals designed to increase such restrictions upon the allowed uses of our properties,

BE IT THEREFORE RESOLVED, that the herinafter named rural citizens of Missoula County do emphatically petition the Montana Legislature to recognize our vital concerns and demonstate compassion for our plight by:

1. Recognizing that we have invested immense amounts of time, energy, and money to gain the status of property owners in the State of Montana, and by
2. Understanding that existing and additional controls and restrictions over the uses of our properties impose undue economic burdens and erodes our essential rights as free citizens and property owners, and by
3. Strenuously resisting additional invasions of our property rights through non-enactment of proposed legislation which will mandate or allow further restrictions or controls, and by
4. Working in a compassionate and effective way to reduce our load of property use restrictions by diminishing land use laws already passed, and by
5. Accomplishing a statutory reduction in the budget and authority of county land use planning agencies, and,

BE IT FURTHER RESOLVED, that we express our sincere appreciation for any assistance rendered towards accomplishment of these goals by the Missoula County legislative delegation, and all other members of the Montana Legislature, and

BE IT FINALLY RESOLVED, that by signature hereto, we do individually and jointly petition the entire Montana Legislature to come to our aid.

Dated this 20th day of February, 1985.

Signature pages attached hereto.

4

2/23/85

Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Julie Ann Wilson	S.R. Bonner	HACKER
2. Deborah J. White	S.R. Bonner	HACKER
3. David J. White	S.R. Bonner	HACKER
4. Candy Logan	3503 59 th Avenue	MT
5. Humbell Hacker	S.R. Bonner	HACKER
6. George Hageloh		
7. Roy O. Wills	S.R. Bonner	WILLS
8. Elaine Wills	3575 10 th Avenue	
9. Tom J. Wills	3575 10 th Avenue	
10. Roy O. Wills	S.R. Bonner	WILLS
11. Sybil J. Bonner	4800 Cowling Ln	Flourno
12. Ross J. Wills	Box 365 Lolo Mont. 59845	
13. James L. Fournier	11315 Hwy 12 Lolo MT	
14. Bonnie L. Fournier	11315 Hwy 12 Lolo MT	
15. Beatrice L. Fournier	1115 Lolo Rd Lolo, MT	
16. Lilby Rothmeyer	4725 Five Wounds Way	Flourno MT
17. D. M. Wills		
18. Kathryn Dwyer	Huson, MT	DWYER
19. John Dwyer	Huson, MT	Dwyer
20. James P. Cyr	Huson, MT.	CYR
21. Alfred J. Deschamps	Rt 2 Mula	DESCHAMPS
22. Rosemary Deschamps	14400 Mullan Rd - Mula MT.	
23. Ralph Thiel	Box 1972 Huson, Montana	
24. Bruce N. Thiel	Box 1972 Huson, MT.	

Mackit

Petition to the Montana Legislature
From the rural citizens of Missoula County.

	SIGNATURE	ADDRESS	PRINTED LAST NAME
1.	Myrle Paul Barton	PO Box 308	LOLO MT 59 BAR
2.	Judith L. Huston	P.O. Box 41, Florence	HUSTON
3.	Ray E Miller Dm	PO Box 516 Polo Ind.	MILLER
4.	E McHatten	Box 746	LOLO MT - McHATTEN
5.	Gayle H. Tucker	Box 92	LOLO MT TUCKER
6.	John C. Moore	7750 Moore Rd, Lolo, MT	MOORE
7.	Harry Olsen	9050 Birch Lane	LOLO MT OLSEN
8.	Steve Jackson	9020 Pickering Lane	Missoula - Jackson
9.	Jack E. French	Box 157	Frenchtown, MT.
10.	Joe Jackson	Box 400	Frenchtown MT
11.	John V. Olson	Box 342	Star Route Huson ALBERT
12.	Ray Jones	14950 in road	LOLO
13.	Leo T. Bagnell	Box 90	Huson MT Bagnell
14.	Paul Bruce	Box 39	Huson, MT Bruce
15.	Lloyd W. Bruce	Box 38	" " Bruce
16.	Bernice Nelson	Box 258	Frenchtown
17.	Corrine Otonpalik	Rt 2 E. on Rd	Missoula
18.	Chyd P. Fisher	"	"
19.	Grace V. Elvick	Box 63	Frenchtown Mt 59834
20.	Mary D. Alexander	Box 349	Frenchtown Mt 59834
21.	Ray Jones	Box 349	"
22.	Helen Stratton	7201 Grass Valley Dr.	Stratton
23.	Frances Moffett	15415 - Missoula Rd	Frenchtown
24.	Nancy Long	6805 Meadow dr, Mole	LOLO

Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Ruth Hancock	P.O. Box 121	HANCOCK
2. W. H. Hancock	P.O. Box 121	HANCOCK
3. Gerald A. McCarthy	P.O. Box 162	MCCARTHY
4. Doris Ekstrom	Box 1010	EKSTROM
5. Richard C. Dunn	21370 Hwy 10E.	DUNN
6. J. W. Norton	P.O. Box 40	NORTON
7. Rosemary K. Chaffee	P.O. Box 239	CHAFFEE
8. Jeannette Hilpert	Box 256 Clinton	Hilpert
9. Charles E. Fitchert	19505 Hwy 10E	Fitchert
10. Thomas J. Larson	P.O. Box 64 Clinton Mt.	LARSON
11. Eugene F. Ball	Box 792 Clinton	BALL
12. Geraldine S. Bonstad	Box 165 Clinton	BONSTAD
13. Jerry & Joan Richards	Box 34 Clinton	
14. Dallas Crismon	Box 34 Clinton (P.O.)	
15. Ben Leischner	P.O. Box 66 Clinton	Leischner
16. Jeff Smith	P.O. Box 114 Clinton	SMITH
17. John A. Sheets	P.O. Box 119 Clinton	SHEETS
18. Sherry J. Fritz	20193 Hwy 10E Clinton Mt.	Fritz
19. Curtis A. Baker	P.O. Box 49 Clinton Mt.	BAKER
20. Sam Shumaker	Box 12 Clinton Mt.	
21. Karen S. Sorensen	Box 63 Clinton Mt.	
22. Robert R. Coffman	Box 69 Clinton Mt.	
23. Barbara Stuenkel	P.O. Box 155 Clinton Mt.	STUENKEL
24. Cliff J. Field	20150 Wallace Ave	Field

Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Vera M. Cahoon	Star Rte. Banner	CAHOON
2. Joy Nelson	Star Rte Bx 245 - Banner	NELSON
3. Calyssa N. Bolick	1325 Eaton Mula	BOLICK
4. Ellen Imboden	Po Box 7531 Missoula	IMBODEN
5. Verne Imboden	P.O. Bx 7531 Missoula	IMBODEN
6. John R. Wittenberg	3939 Parson	WITTENBERG
7. Dorothy Wittenberg	3939 Parson St Missoula	WITTENBERG
8. Charles E. Williams	13555 Juvala Rd. Juvala	WILLIAMS
9. Albertus M. Fausett	14197 Turah Rd. Clinton	FAUSETT
10. M. J. Wills	P.O. Box 48 Clinton	WILLS
11. Douglas Fausett	14197 Turah Rd. Clinton	FAUSETT
12. James E. Labbe	14565 Hillgate Lane Turah	LABBE
13. Josephine P. Labbe	14565 Hillgate Ln. Turah	LABBE
14. Mark R. Wimmer	304 Ridgeway Lane MT.	WIMMER
15. Mula L. Wimmer	304 Ridgeway Lane, MT.	WIMMER
16. Miriam Quinn	#30 Harvey's Crt Mula	QUINN
17. Mark J. Quinn	#30 Harvey's Crt Mula	QUINN
18. Gene Thompson	Po Box 2643 Mula	THOMPSON
19. Debbie Kuzier	8145 Morning Dove Mula	KUZIER
20. Allen Kuzier	" " " "	KUZIER
21. James L. Zimmerman	Box 246 and House Mt	ZIMMERMAN
22. Eugene Egan	Box 327 Milltown	ZIMMERMAN
23. John J. Dore	Box 1255 Nine Mile Road Huson	DORE
24.		

Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. <i>[Signature]</i>	226 Barclay Lolo	Cahoon
2. <i>[Signature]</i>	505 Tyler Way	Windbigler
3. <i>[Signature]</i>	505 Tyler Way	Windbigler
4. <i>[Signature]</i>	11385 Elmermont Lolo MT	Wilson
5. <i>[Signature]</i>	3650 Carter Creek Rd	Harvey Wilcox
6. <i>[Signature]</i>	181 Ridgeway	KELLER
7. <i>[Signature]</i>	Lolo Creek Rd. Lolo, mt.	BAILEY
8. <i>[Signature]</i>	128 Alacir Lolo mt	LEHEIN
9. <i>[Signature]</i>	Lolo Creek Rd	MOORE
10. <i>[Signature]</i>	Lolo Creek Rd	RAZAN
11. <i>[Signature]</i>	516 Rorie Dr., Lolo, Mt.	LOVING
12. <i>[Signature]</i>	14300 Lolo Creek Road Lolo mt.	STEVERS
13. <i>[Signature]</i>	Box 92 Lolo MT	TULGER
14. <i>[Signature]</i>	240 Cumberland Lolo, MT	SENECIVIL
15. <i>[Signature]</i>	14220 Lolo Creek Rd Lolo, MT	JEFFORDS
16. <i>[Signature]</i>	2421 Glen Drive Missoula 59801	WLOFREN
17. <i>[Signature]</i>	Lolo Creek Rd Lolo MT	RODRIGUEZ
18. <i>[Signature]</i>	Box 21 Lolo	RODRIGUEZ
19. <i>[Signature]</i>	Box 126 Lolo, MT	ROCK
20. _____		
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Arnold J. Jarvie	19550 Leo Hansen Rd Florence, MT	Jarvie
2. Helen E Jarvie	19550 Leo Hansen Rd. Florence, Montana	Jarvie
3. Thomas R Carr	3290 Connell Lolo, MT	Carr
4. Kay E Flink	600 Capric Way Lolo, MT. 59847	Flink
5. Marjorie Cramer	275 Riverside Lolo, MT	CRAMER
6. Elma Herron	209 Parkside Ct Lolo, MT.	HERRON
7. Jack L. Kirkland	10470 Lakewood Pl Lolo	Kirkland
8. Donald L. Kirkland	10470 Lakewood Place Lolo MT. 59847	Kirkland
9. Carolyn M. Wilcox	3650 Carlton Creek Rd (Box 503) Florence, MT (Lolo)	Wilcox
10. Margaret E. Hertz	5202 Easter Lane Florence, Mt. 59833	HERTZ
11. Phillip E. Hertz	5202 Easter Lane Florence MT. 59833	HERTZ
12. Lyle L. Luth	Lolo CR. RD. Lolo, MT. 59847	LYTH
13. Ken Clark	Lolo MT.	Clark
14. Eleanor Clark	" "	CLARK
15. Washburn Bentham	Box 2 Lolo	Bentham
16. Otto Wornath	Lolo	WORNATH
17. Mark Bentham	Lolo	BENTH
18. Russell A. Weathers	Lolo	WEATHERS
19. Carl W. Pederson	Lolo	Pederson
20. Tom Wornath	Lolo	Wornath
21. J. C. Donnelly	Lolo	Donnelly
22. Chris A. Donnelly	Lolo	DONNELLY
23. Duane P. Egger	Lolo	EGGER
24. Richard L. Curran	Lolo	CURRAN

Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. <u>Doc Seeger</u>	<u>Frenchtown-Mt</u>	<u>TERNES</u>
2. <u>Jim Richardson</u>	<u>Mill Creek Rd Frenchtown</u>	<u>59834</u>
3. <u>Kay Richardson</u>	<u>15955 Muller Rd</u>	<u>7th & Mont.</u>
4. <u>Dave Cyr</u>	<u>9-Mile Road</u>	<u>Cyr</u>
5. <u>Virginia S. Morrison</u>	<u>6-Mile Road</u>	<u>Huron, Mt.</u>
6. <u>Barbara Beck</u>	<u>13475 Muller Rd</u>	<u>MSLA, MT</u>
7. <u>Condace Versham</u>	<u>9-mile Rd</u>	<u>Huron, Mont</u>
8. <u>Arlen R. Whitson</u>	<u>9-Mile Rd</u>	<u>Huron, Mt</u>
9. <u>Arlen Thompson</u>	<u>9 mile Rd</u>	<u>Huron mont</u>
10. <u>Ohio B. Saurelia</u>	<u>Box 1260 W 9 Mile Rd</u>	<u>Huron Mont</u>
11. <u>Alison Mafel</u>	<u>11460 Muller Rd.</u>	<u>MSLA, MT ^{SOL} 59802</u>
12. <u>Maurine F. Nagy</u>	<u>Box 695</u>	<u>Huron Mt 59846 Nagy</u>
13. <u>Walter Wittig</u>	<u>6-Mile Huron</u>	<u>Wittig</u>
14. <u>Thoyl W. Bader</u>	<u>Box 38</u>	<u>Huron Mt.</u>
15. <u>Jim Richardson</u>	<u>15745 Mill Creek Rd</u>	<u>Frenchtown J Richardson</u>
16. <u>Ed Richardson</u>	<u>16250 Bonanza Rd</u>	<u>Frenchtown Ed Richardson</u>
17. <u>Virginia Neftson</u>	<u>13475 Muller Rd.</u>	<u>Missoula.</u>
18. <u>Florence Mlekuch</u>	<u>Muller Rd at Denver St.</u>	<u>Frenchtown ⁵⁹⁸⁰²</u>
19. <u>John J. Appert</u>	<u>Box 75</u>	<u>Huron 59846 ⁵⁹⁸³⁴ APPERT</u>
20. <u>Ray S. Mullen</u>	<u>Box 4924</u>	<u>MISSOULA MT Mullen</u>
21. _____	_____	_____
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23. _____	_____	_____
24. _____	_____	_____

Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Gregory Olsen	P.O. Box 222 Clinton	OLSEN
2. Steve McAdam	22265 WALLACE RD Clinton	MCADAM
3. Jena D. Snavely	P.O. Box 219 Clinton MT.	SNARELY
4. Karen Wells	P.O. Box 98 Clinton MT.	WELLS
5. Anne Brown	Box 82 Clinton	BROWN
6. Nick J. Ward	Box 171 " Mont	WARD
7. Marian Kirk	Box 4 Clinton MT.	KIRK
8. Richard C. Johnson	22609 Hill Rd Clinton MT	JOHNSON
9. Mary Johnson	" "	"
10. Carl E. Emlen	Clinton	Eichenshaw's Emlen
11. John C. C. C.	2240 Wallace	John C. C. C.
12. R. D. Nelson	13475 Muller RD	
13. R. H. Morrison	R. R. Box 232 Hudson Mt.	
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Thomas R Neely	Star Rd. Box 606	NEELY
2. Harri C Neely	" "	Neely
3. Hubert L Simpson	Box 441 Frenchtown 59834	Simpson
4. Betty Lee Simpson	" "	SIMPSON
5. Dorothy Durdon	Conifer Dr. Box 375	DURDON
6. Sun M. Appel	P.O. Box 75 Huson 59846	APPELT
7. Ida Richardson	Box 5160 Huson Mont.	
8. John W. Appel	P.O. Box 75 Huson, Mt.	
9. Tom Simpson	Box 317 Frenchtown	
10. Jean Parker	6 mile Road Huson	PARKER
11. Alice Parker	1.9 mile Rd. Huson	Parker
12. Ernest McCallum	9 mile Rd. Huson Mt.	McCallum
13. Edward L. Hyatt	Box 242 Frenchtown, Mont.	
14. Robert L. Lock	13475 Mullan Rd. Missoula, Mt.	
15. John D. Self	11460 Mullan Rd. Miss. Mont.	SELF
16. Laurie App	15150 Mullan Rd. Frenchtown, Mt.	
17. Henry D. Taylor	18235 W. Roman Ln. Frenchtown	
18. Gene C Stratton	7201 Grass Valley Dr.	STRATTON
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. My (unintelligible)	133 CASCADE DR	MILE GRUNDON
2. Clarence Vietz	125 Cascade	CLARENCE VIETZ
3. (unintelligible) Bradley	Lewis & Clark	Lolo, MT. BRADLEY
4. (unintelligible) Reilly	5000 Potter Canyon	Reilly
5. Melvin Zielke Jr.	231 Cumberland	Lolo, MT. ZIELKE
6. (unintelligible) Milot	5800 Kew Lane	Flanagan MT. 59533
7. Paul M. Brown	14927 Pine Vista	Missoula MT. PROY
8. J. E. Chapin	Lolo	J. E. CHAPIN
9. Norma Rossignol	50125 Lolo	59547 ROSSIGNOL
10. Richard D. Rossignol	" "	ROSSIGNOL
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. William R. Sayles	6 mile Rd Hudson Mt	SAYLES
2. Susan Lambert	Star Rt #600 Hudson Mt	LAMBERT
3. Mary Ellen Sayles	6 mile Rd. Box 201 Hudson Mt	SAYLES
4. Edward G. Alexander	Box 349 Brewdittown	Alexander
5. Fred H. Gross	Box 263 MILLTOWN mt	
6. Eugene Ball	20695 E Millan Rd. Clifton	BALL
7. Wm J. E. E. E.	PO Box 885 Clifton mt	Flotron
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. George P. Martin	51 Rt. Box 233 Huson, MT	MARTIN
2. June Martin	51 Rt. Box 233 Huson, MT	MARTIN
3. Dennis W. Scheffer	Box 98 Huson	Scheffer
Patricia Scheffer	Box 98 Huson	Scheffer
4. D. J. Scheffer	6-Mile Ranch Huson	Scheffer
5. John W. Cyr	9 mile Huson	
6. Fred & Ramona	9 mile Huson	
7. Rev. J. H. H. H. H.	Box 80 Walker Creek Drive Clinton, Montana 59825	
8. Conrad A. Culler	Box 347 RT 1 Clinton, MT. 59825	
9. Thomas W. White	13455 Turah Rd. Clinton 59825	
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Leida Hallberg	Box 312 Grenetown, MT.	DAHLBERG
2. Gerald F. M. Tolan	Box 11 Clinton, MT. 5	
3. M. Elizabeth Freese	P.O. Box 218 Clinton, MT.	
4. Aileen Saxe	20695 E. Mullan Clinton	BAHL
5. Rex Plummer	Box 818, Clinton, Mont.	
6. William Free	Box 190 Clinton, MT. 59825	FREE
7. William D. Weston	2225 So. 8th St. Helena, MT 59601	WESTON
8. Fred Weston	1211 2nd St. Clinton, MT 59825	WESTON
9. Lou Allen	14000 Chilton Rd. Clinton, MT	ALLEN
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. <i>Charles Penner</i>	4430 Florence, Mont	Oreese
2. <i>Melia Penner</i>	4400 Evelyn Ln Florence	Penner
3. <i>George B. Fox</i>	4500 Carolyn Lane, Florence	FOX
4. <i>Bobbie S. Rossignol</i>	Box 522 Lolo, MT	ROSSIGNOL
5. <i>Rudolph M. Rossignol</i>	Box 522 Lolo, MT	Rossignol
6. <i>James Vanett</i>	Box 522	HUSON MT 59846
7. <i>Harry B. Feldbahn</i>	Box 320	Huson MT 59846
8. <i>Marion A. Feldbahn</i>	Box 320	Huson, MT 59846
9. <i>Lee Turner</i>	18450 Frenchtown	MT 59834
10. <i>LeRoy O. Felton</i>	14005 Harpers Bridge Rd	Missoula 59802
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

NO.	NAME	AGE	RESIDENCE	PRINTED LAST NAME
1.	Jim A Ekstrom	Box 1010	Clinton Mt.	EKSTROM
2.	Louis Ekstrom	Box 1010	Clinton Mt.	EKSTROM
3.	Charles W. Glass	Box 1019	Clinton	GLASS
4.	Louis M. Glass	Box 1019	Clinton	GLASS
5.	John H. Glass			
6.	Arthur Z. Glass	1019	Clinton Mt.	GLASS
7.	Carl R. Steinberg	1018	Clinton Mt.	Steinberg
8.	B. J. Sticht	Box 229	Clinton mt	Sticht
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

	SIGNATURE	ADDRESS	PRINTED LAST NAME
1.	Irlan E. Ojala	Box 18 Frenchtown MT	OJALA
2.	Lee Minson	Box 42 Frenchtown	Minson
3.	Tom A Dahlberg	Box 312 Frenchtown	DAHLBERG
4.	Agnes Cyp	Box 1109 Mile Huson	CYP
5.	David E West	6 mi Rd Huson	DAVID E WEST
6.	Tom J Richardson	Box 104 Huson	Richardson
7.	Ed Richardson	14250 Fernside Cir	Richardson
8.	David E West	6 mi Rd Huson MT	WEST
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Joseph L. Coburn	P.O. Box 7306 Missoula	COBURN
2. Sandra K. Messina	P.O. Box 558 Benner	MESSINA
3. Linda S. McCormick	P.O. Box 249 Benner	MCCORMICK
4. Marybeth Hayes	Box 206 Benner	MC-HAYES
5. Kelly J. Tolle	S.R. Petumac Box 320 Benner	TOLLE
6. Deborah L. Wells	S.R. Petumac Box 200 Benner	WELLS
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Robert P. Orr	Florence, Mt. 19055 Maple Lane	ORR
2. David R. Graham	POB 754 1591 LAKESIDE DR. LOLO	GRAHAM
3. William H. Lyons	107 E. DARWAY LOLO	LYONS
4. George T. Hyem	6025 Upper Carlton Florence, Mt.	HYEM
5. Shirley A. Hyem	6025 Upper Carlton Florence, Mt.	HYEM
6. Nadine M. Fuchs	153 ANN'S LANE	FUCHS
7. Bonnie M. McHatten	278 Cap De Villa	McHATTEN
8. Sharon Tholt	204 Cap De Villa	THOLT
9. Mike Tholt	204 Cap De Villa	THOLT
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Petition to the Montana Legislature
From the rural citizens of Missoula County.

SIGNATURE	ADDRESS	PRINTED LAST NAME
1. Donald M. Brinkerhoff	12911 Moccasin Ln	Brinkerhoff
2. Richard Lee Ferryman	P.O. Box 105	Ferryman
3. [Signature]	Beckwith Ave Frenchtown	Green
4. Mary Ella Magnusson	Frenchtown	Magnusson
5. A. B. Magnusson	"	"
6. [Signature]	Box 63 Fr. Town.	Cline
7. Clinton & Jannette Walker	Frenchtown	Walker
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EXHIBIT 31

AGAINST HOUSE BILL 827

Hearing Feb. 23, 1985

2/23/85 Natural Resources Room

P.M. Room 312 - 1

Mr. Dennis Iverson, Chairman
And Members of the Committee:

We, the following undersigned land owners, living within the boundaries of the State of Montana, do hereby request you and your Colleagues to vote for the DEFEAT of HOUSE BILL 827.

We do not believe the change in the exemptions in Section 76-3-207(1)(b) & (c) & (d) and the additions to Section 76-3-103(7) & (15) are in the best interest of landowners who wish to conserve agricultural land, and believe that conditions for sale should not be vested in a few.

Thank you,

Waguna P. Lovely

Mitchell A. Lovely

William H. Jansen

John D. Haas

Charles M. Steel

Donald J. Erickson

R. H. Moss

Ralph Scofield

Eva Scofield

Kenneth S. Dietz

Deborah J. Dietz

Ernest A. Price

Shad S. Potts

James E. Stratton

Helena MT 59601

Helena Mont 59601

Helena, Montana 59601

Helena MT 59601

Helena MT 59601

Helena MT 59601

Helena MT 59601

Three Forks, MT 59752

Three Forks, MT 59752

Bozeman, MT 59715

Bozeman MT 59715

Clancy Mont 59635

Helena, MT 59601

Helena, MT 59601

Annex D. 40

EX. 31

p. 2

2/23

AGAINST HOUSE BILL 8
Hearing Feb. 23, 198
Natural Resources Room
P.M. Room 312 - 1

Mr. Dennis Iverson, Chairman
And Members of the Committee:

We, the following undersigned land owners, living within the boundaries of the State of Montana, do hereby request you and your Colleagues to vote for the DEFEAT of HOUSE BILL 827.

We do not believe the change in the exemptions in Section 76-3-207(1)(b) & (c) & (d) and the additions to Section 76-3-103(7) & (15) are in the best interest of landowners who wish to conserve agricultural land, and believe that conditions for sale should not be vested in a few.

Thank you,

Locher M. Stratton

Locher Stratton

Marjorie L. Ditt

Helena Mt. 59601

Helena Mt. 59601

Helena, Mt. 59601

AGAINST HOUSE BILL 827
Hearing Feb. 23, 1985
Natural Resources Room
P.M. Room 312 - 1

We, the following undersigned land owners, living within the boundaries of the State of Montana, do hereby request you and your Colleagues to vote for the DEFEAT of HOUSE BILL 827.

Thank you,

[illegible]

EXHIBIT 32 H/B 827

2/23/85

Martha Powell Box 3867 Msls.

Every aspect of this bill leans toward total government control over privately-owned land.

The landowner pays the taxes and has a deed of ownership, which becomes questionable under this bill.

If an owner has no personal choice as to how his land may be used, then in reality, who becomes the true owner of said property, the deed holder taxpayer or the state?

I oppose HB 827

EXHIBIT 33

2/23/85

Mr. Chmn. I'm Davis Clapson,
from Missoula

I oppose this ^{House} Bill - 827

I would like to see some

common sense, and the

free enterprise system come

back into our system.

Thank you.

"You didn't tell the proponents
to make it brief."

I don't like to see the Committee
leave when the opponents are speaking.

HB. 827

EXHIBIT 34
2/23/85

This bill is a resurrection of old Resolution 84 which was anathema to our citizens two years ago.

We should not be required to get approval of anyone to make occasional sales of land or to sell to family members.

Frances H. MacLay
328 Ronald Cree
Missoula, Mont.

David MacLay

COMPARISON OF TYPES OF FILED LAND DIVISIONS
LAKE COUNTY MONTANA
1973 - 1984

I. Land divisions creating parcels less than 20 acres

A. Number of filed land divisions

<u>Type of Division</u>	<u>Number of Surveys</u>	<u>Percent of total</u>
Major subdivision plat (reviewed)	12	2%
Minor subdivision plat (reviewed)	44	5%
Occasional sale (exemption)	626	79%
Family transfer (exemption)	112	14%
Total	784	

B. Additional lots created by type of division

<u>Type of Division</u>	<u>Additional lots created</u>	<u>Percent of total</u>
Major subdivision plat	490	31%
Minor subdivision plat	125	8%
Occasional sale	841	52%
Family transfer	143	9%
Total	1599 lots	

C. Acreage of lots created by type of land division

<u>Type of Division</u>	<u>Acreage of lots</u>	<u>Percent of total</u>
Major subdivision plat	1621	21%
Minor subdivision plat	456	6%
Occasional sale	5113	66%
Family transfer	586	7%
Total	7776 acres	

II. Land divisions utilizing the 20 acre exemption **

<u>Number of surveys</u>	<u>Additional lots</u>	<u>Acreage</u>
129	399 lots	8484 acres

** Includes parcels created which are greater than or equal to 20 acres in size and less than 40 acres in size.

VISITORS' REGISTER

COMMITTEE

BILL NO.

HB 827

DATE

2/23

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
GARY S. Mairbut	MISSOULA		X
Rich Bergman	Missoula		X
Julie Harber	Idaho Co		✓
Bill Walker	Helena		X
Earl Lee	Rt # 59	✓	
Tonia Bloom	(for LWU of Mont) Hamilton	✓	
Gregory Mieroz	Hamilton	X	
Stanley Wittenberg	Missoula		✓
John Wittenberg	✓		X
Barry Claffon	Idaho		X
Don Mullin	Hamilton	X	
Nervie Morden	Missoula		X
Jerry Coorsen	Polson	✓	
Clifford Oloson	Missoula		✓
Elmer Fleeger	Missoula		✓
Don Reed	Helena MFLC	✓	
Vera Cohen	Idaho Co. Frenchman		✓
Maria McLean	Idaho Co	X	
Gordon Morris	Idaho Co	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

NATURAL RESOURCES COMMITTEEBILL NO. H B 827DATE 2/23/85SPONSOR LOPEL

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Mike Mowey	Bozeman.	X	
Steve Herbally	LIVINGSTON W	X	
Duke Hall	CLYDE PARK MT.		
Melizabeth Freese	Clinton, mt.		X
JEANETTE RASMUSSEN	Clinton, MT.		X
KARE WHITE	Clinton MT.		X
THOMAS WHITE	Clinton, MT.		X
Don McLaughlin	Bozeman, MT.	X	
CHET DREHER	1962 Colo Gul, HLND		✓
Jim McCauley	6166 Hwy 12 W Helena	X	
Jim Peckham	E. Helena	X	
Robb McCracken	Helena	X	
Linda Stoll-Anderson	Helena	X	
Holley Smith	Glen MT.	X	
Reg Valiton	Bozeman, MT.		X
DON VALITON	" "		X
Terry Canady	Helena		X
Patricia Reis	Helena		X
Wm F. Gowen	Helena		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

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VISITORS' REGISTER

NATURAL RESOURCES COMMITTEEBILL NO. HB 791DATE 2/23/85SPONSOR Brandewie

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
CHET DREHER	1962 COLO GUL		✓
Jim Pichon	E. Helena	X	
Robert M. McCracken	Helena	X	
Wanda Stoll Anderson	Helena	X	
Jim McCauley	6166 Hwy 12, W. Helena	X	
UDM Spilker	801 Harrison	Amended	
Don Smith	1114 Knipf, Helena	Amended	
W.M.F. GOWEN	Helena		✓
Terry Canasdy	Helena	Amended	
Kathy Macfie (APO)	Helena	X	
Marie McAlister	Madison Co.	X	
Bill Walker	Helena		X
Elmer Flynn	Missoula		X
Don Reed	Helena MEIC	✓	
G. Morris	Macon	✓	

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NATURAL RESOURCES COMMITTEE

DATE 2/23/85

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VISITORS' REGISTER

NATURAL RESOURCES

COMMITTEE

BILL NO. HB 859DATE 2/23/85SPONSOR RAMIREZ

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Duke Gilbeat	Dillon MT	X	

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VISITORS' REGISTER

NATURAL RESOURCES

COMMITTEE

BILL NO. HB 312

DATE 2/23/85

SPONSOR Devlin

[illegible]

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NATURAL RESOURCES COMMITTEE

DATE 2/23/85

SPONSOR ADPY

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