

House BILL NO. *319*
Huendchen VINCENT *Stolz*

1
 2 INTRODUCED BY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THE
 5 LEGISLATURE'S CONCERN ABOUT UNCONTROLLED SUBDIVISION
 6 DEVELOPMENT ON AGRICULTURAL LAND IN MONTANA AND ABOUT THE
 7 ADVERSE EFFECTS OF SUCH DEVELOPMENT ON THE HEALTH, SAFETY,
 8 AND WELFARE OF THE PEOPLE OF MONTANA; PROVIDING FOR A
 9 TEMPORARY SUSPENSION OF AGRICULTURAL SUBDIVISION DEVELOPMENT
 10 UNTIL JULY 1, 1979, DURING WHICH TIME THE STATE OF MONTANA
 11 SHALL ADOPT LONG-RANGE GOALS CONCERNING LAND USE AND
 12 ECONOMIC AND POPULATION GROWTH, COMPLETE A STATEWIDE LAND
 13 AND WATER RESOURCES INVENTORY WITH THE IDENTIFICATION OF
 14 IMPORTANT AGRICULTURAL AREAS, AND PROPOSE LONG-TERM
 15 PROTECTION POLICIES FOR AGRICULTURE; AND PROVIDING AN
 16 IMMEDIATE EFFECTIVE DATE."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 19 Section 1. Short title. This act shall be known and
 20 may be cited as the "Agricultural Protection Act".
 21 Section 2. Purpose. The legislature finds that the
 22 intensity and magnitude of uncontrolled subdivision activity
 23 constitutes a serious threat to the economic strength of
 24 Montana agriculture and that the value of agricultural lands
 25 for the production of food is becoming increasingly

1 important. Further, the legislature recognizes that
 2 existing efforts toward subdivision regulation and planning
 3 are piecemeal, fragmentary, and inadequate to deal with the
 4 social, economic, and environmental impacts of such
 5 development and that undesirable land use changes are
 6 occurring more rapidly than the development of present
 7 efforts to provide direction to such changes for the
 8 long-term good of society. Effective subdivision control
 9 and protection of agriculture is further weakened by the
 10 absence of long-range goals concerning land use and economic
 11 and population growth, and by the absence of a complete
 12 statewide land and water resources inventory with the
 13 identification and protection of areas of state concern.
 14 The legislature specifically acknowledges that much of the
 15 current subdivision activity represents an unreasonable
 16 waste of scarce energy resources in the construction of both
 17 primary and second residences in outlying areas and that
 18 such development may cause irreversible and irretrievable
 19 losses of agricultural land, wildlife habitat, scenic
 20 beauty, open space, stream, and shoreland quality. It is
 21 the purpose of this act to protect the public welfare,
 22 health, and safety by providing for the necessary housing
 23 needs of Montana citizens within and adjacent to urbanized
 24 areas subject to provisions of the Montana Subdivision and
 25 Platting Act, and to impose a temporary suspension of

1 agricultural subdivision activity pending the establishment
 2 of an adequate mechanism to protect the local tax base and
 3 natural integrity of land from piecemeal subdivision. This
 4 mechanism shall include the adoption of long-range land use
 5 goals, a statewide land and water resources inventory that
 6 identifies important agricultural areas, and proposed
 7 agricultural protection policies.

8 Section 3. Definitions. As used in this act, unless
 9 the context clearly indicates that a different meaning is
 10 intended: (1) "Agricultural land" means all agricultural
 11 lands in Montana classified by the department of revenue as
 12 irrigated 1A through 6; non-irrigated farm 1A5 through 2C;
 13 non-irrigated contiguously-cropped farm 1 through 10; wild
 14 hay 1 through 4, and grazing 1A2 through 2B. All land and
 15 water features within these lands are included in this
 16 definition.

17 (2) "Commission" means a statewide land use commission
 18 that may in the future be established for the purpose of
 19 determining goals for Montana's future through broad based
 20 public involvement.

21 (3) "Governing body" means the board of county
 22 commissioners or any other local agency having the authority
 23 to approve, disapprove, or conditionally approve
 24 subdivisions under law.

25 (4) "Subdivision" means any division of agricultural

1 land into two (2) or more parcels in order that the title to
 2 or possession of the parcels may be sold, rented, leased for
 3 a period of five (5) years or longer, conveyed by contract
 4 for deed, or otherwise conveyed, and shall include any
 5 resubdivision.

6 Section 4. Temporary suspension. There is a temporary
 7 prohibition of agricultural land subdivision activity in
 8 Montana until July 1, 1979. The suspension shall apply to
 9 proposed subdivision on all agricultural lands within the
 10 jurisdiction of the applicable local governing body except
 11 in the following situations; provided that the exceptions
 12 are not used to evade the purposes of the act: (1) the area
 13 within the boundaries of, and within the area not to exceed
 14 two (2) miles from the limits of first, second, and third
 15 class cities existing at the time of the effective date of
 16 this act, as defined by section 11-201, R.C.M. 1947;

17 (2) proposed subdivisions which have been accepted for
 18 review by the applicable governing body or its designated
 19 representative on the effective date of this act;

20 (3) in any county with a county planning board which
 21 has adopted and implemented a county-wide master plan as
 22 provided in section 11-3831, R.C.M. 1947, which provides
 23 adequate protection for all agricultural lands within the
 24 county; provided that the provisions of this act shall
 25 continue to apply unless the governing body adopts an

1 affirmative resolution after a public hearing, to exempt the
2 qualifying jurisdiction from this act;

3 (4) divisions made by sale, rental, lease for a period
4 of five (5) years or longer, or agreement to buy and sell
5 where the parties to the transaction enter into a covenant
6 running with the land and revocable only by the mutual
7 consent of the governing body and the property owner that
8 the divided land will be used exclusively for agricultural
9 purposes as defined in section 84-437.2, R.C.M. 1947;

10 (5) divisions made for the purpose of relocating
11 common boundary lines between adjoining property;

12 (6) a gift or sale of land to a member of one's
13 immediate family, provided that any one (1) family member
14 may receive only one gift or sale under the terms of this
15 exemption.

16 Section 5. Goals. The office of the governor shall
17 coordinate a comprehensive long-range goals formulation
18 process that shall include the participation of both the
19 public and appropriate state agencies, except that this
20 process shall be coordinated by the commission if such a
21 body is established in the future. Such goals shall relate
22 to land use and economic and population growth. The process
23 shall include a compilation and analysis of citizen
24 attitudes toward economic and population growth as well as
25 citizen perceptions toward what constitutes the quality of

1 life. The proposed goals shall be submitted by the governor
2 or by the commission if it is created, to the forty-fifth
3 legislature for legislative enactment in order to provide
4 overall direction to land use planning legislation and
5 programs. The goals shall be monitored and evaluated for
6 revision as needed.

7 Section 6. Inventory. Within thirty-six (36) months
8 of the effective date of this act, a statewide land and
9 water resources inventory shall be completed by the
10 department of natural resources and conservation, the
11 department of fish and game, the department of state lands,
12 and the department of intergovernmental relations. The
13 inventory shall be coordinated by the department of natural
14 resources and conservation except that the commission, if
15 established, shall coordinate the inventory. Within six (6)
16 months of the effective date of this act, the four (4)
17 departments named in this section shall jointly prepare an
18 inventory methodology, with provisions for coordinating
19 existing inventory programs and effectively using existing
20 data, as well as criteria and guidelines for identifying
21 important agricultural land. The criteria shall be adopted
22 in compliance with the Montana Administrative Procedure Act
23 and shall include: (1) provisions insuring that the
24 departments will comprehensively inventory all nonfederal
25 lands within the state of Montana at an adequate scale to

1 identify those areas which are important agricultural lands;
2 and

3 (2) provisions for identifying and describing all
4 historical, cultural, aesthetic, and natural systems.

5 Section 7. Agricultural protection policies. The
6 department of revenue, agriculture, state lands, natural
7 resources and conservation, and intergovernmental relations
8 shall jointly prepare an agricultural protection plan in
9 accordance with the Montana Administrative Procedure Act for
10 Montana to include land use proposals, tax and economic
11 incentives and family farm policies for submission to the
12 forty-fifth legislature.

13 Section 8. State and local governing bodies prohibited
14 from approving agricultural subdivision prior to July 1,
15 1979. (1) No governing body in the state of Montana may
16 approve or conditionally approve any proposed subdivision
17 within the suspension area defined in section [4 of this
18 act]. In addition, no proposed subdivision within the area
19 may be approved by the local health officer having
20 jurisdiction or by the department of health and
21 environmental sciences under the provisions of section
22 69-5003.

23 (2) It is unlawful for any person to create by sale or
24 contract for sale a subdivision within the terms and meaning
25 of this act. No county clerk and recorder may accept for

1 filing a plat or certificate of survey for a subdivision as
2 defined in section 4.

3 Section 9. Penalties. (1) A person who violates this
4 act shall be fined not less than five hundred dollars (\$500)
5 nor more than ten thousand dollars (\$10,000) for each
6 violation or imprisoned for not more than six (6) months, or
7 both. Each separate violation of section 8 of this act
8 shall constitute a separate offense.

9 (2) Whenever a person is violating or is about to
10 violate this act the attorney general shall bring a civil
11 action on behalf of the state in the first district court of
12 Montana for injunctive or other appropriate relief, and upon
13 a proper showing an injunctive or temporary restraining
14 order shall be granted without bond.

15 (3) All fines collected under this section shall be
16 deposited in the general fund of the state.

17 Section 10. Severability. If a part of this act is
18 invalid, all valid parts that are severable from the invalid
19 part remain in effect. If a part of this act is invalid in
20 one or more of its applications, the part remains in effect
21 in all valid applications that are severable from the
22 invalid applications.

23 Section 11. Effective date. This act is effective on
24 its passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 245-75

FISCAL NOTE

Form BD-15

In compliance with a written request received March 6, 19 75, there is hereby submitted a Fiscal Note for House Bill 319 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 319 provides for a temporary suspension of agricultural subdivision development; directs the Office of the Governor to recommend long-range goals concerning land use to the Forty-Fifth Legislature; and provides for completion of a statewide land and water resources inventory by various state agencies.

ASSUMPTIONS:

1. A five member Land-Use Commission or a five member Advisory Council would be appointed to develop policy recommendations for the land use and growth:

- a. The Commission would be appointed May 1, 1975 and would meet two days a month until its recommendations are due January 3, 1977.
- b. Commission members will be reimbursed \$25 per day and actual expenses (assumed to be \$25 per day).
- c. Commission staff will consist of two full-time employees who will be hired July 1, 1975.

2. The land and water resources inventory would consist of surface water, ground water, and land use components. The Department of Natural Resources and Conservation has sufficient surface water resource information from its on-going water resources and planning program to fulfill the requirements of the inventory in this act. House Joint Resolution 54 and House Bill 705 would provide \$250,000 to the Bureau of Mines to undertake a groundwater study of the state. The Department of Intergovernmental Relations currently has a contract to design a computer model for groundwater analysis that would include results of 200 well sample analyses per month upon completion. The Department of Intergovernmental Relations also has computerized base maps for the state. No land use inventory of the state is underway or contemplated and thus would have to be undertaken to implement this act. The most feasible technology to use would be a land classification taken from satellite photographs. The costs of such analysis is \$10,000 per 13,000 square mile photograph or \$250,000 for the 25 photos needed to cover all of Montana. Two full-time employees would be needed to coordinate the many aspects of the inventory described above.

FISCAL IMPACT:

	FY 75	FY 76	FY 77
Estimated expenditures for land use commission:			
Personal Services	\$ 1,500	\$ 40,075	\$ 20,688
Operating Expenses	480	9,205	5,102
Sub-total-Commission	\$ 1,980	\$ 49,280	\$ 25,790
Estimated expenditures for land use inventory:			
Personal Services	\$ 0	\$ 31,075	\$ 32,375
Operating Expenses	0	256,325	6,590
Sub-total-Inventory	\$ 0	\$287,400	\$ 38,965
Total expenditures			
Personal Services	\$ 1,500	\$ 71,150	\$ 53,063
Operating Expenses	480	265,530	17,692
TOTAL	\$ 1,980	\$336,680	\$ 70,755

Michael Bellings
BUDGET DIRECTOR

Office of Budget and Program Planning
Date: March 11, 1975

CONCLUSIONS:
Enactment of House Bill 319 will result in additional state expenditures of \$401,435 during the 1975-77 biennium, and an additional expenditure of \$1,980 during the current fiscal year.

Approved by Committee
on Natural Resources

HOUSE BILL NO. 319

INTRODUCED BY HUENNEKENS, VINCENT, STOLTZ

A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THE LEGISLATURE'S CONCERN ABOUT UNCONTROLLED SUBDIVISION DEVELOPMENT ON AGRICULTURAL LAND IN MONTANA AND ABOUT THE ADVERSE EFFECTS OF SUCH DEVELOPMENT ON THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF MONTANA; PROVIDING FOR A TEMPORARY SUSPENSION OF AGRICULTURAL SUBDIVISION DEVELOPMENT UNTIL JULY 1, 1979, DURING WHICH TIME THE STATE OF MONTANA SHALL ADOPT LONG-RANGE GOALS CONCERNING LAND USE AND ECONOMIC AND POPULATION GROWTH, COMPLETE A STATEWIDE LAND AND WATER RESOURCES INVENTORY WITH THE IDENTIFICATION OF IMPORTANT AGRICULTURAL AREAS, AND PROPOSE LONG-TERM PROTECTION POLICIES FOR AGRICULTURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Short title. This act shall be known and may be cited as the "Agricultural Protection Act".

Section 2. Purpose. The legislature finds that the intensity and magnitude of uncontrolled subdivision activity constitutes a serious threat to the economic strength of Montana agriculture and that the value of agricultural lands for the production of food is becoming increasingly

important. Further, the legislature recognizes that existing efforts toward subdivision regulation and planning are piecemeal, fragmentary, and inadequate to deal with the social, economic, and environmental impacts of such development and that undesirable land use changes are occurring more rapidly than the development of present efforts to provide direction to such changes for the long-term good of society. Effective subdivision control and protection of agriculture is further weakened by the absence of long-range goals concerning land use and economic and population growth, and by the absence of a complete statewide land and water resources inventory with the identification and protection of areas of state concern. The legislature specifically acknowledges that much of the current subdivision activity represents an unreasonable waste of scarce energy resources in the construction of both primary and second residences in outlying areas and that such development may cause irreversible and irretrievable losses of agricultural land, wildlife habitat, scenic beauty, open space, stream, and shoreland quality. It is the purpose of this act to protect the public welfare, health, and safety by providing for the necessary housing needs of Montana citizens within and adjacent to urbanized areas subject to provisions of the Montana Subdivision and Platting Act, and to impose a temporary suspension of

1 agricultural subdivision activity pending the establishment
2 of an adequate mechanism to protect the local tax base and
3 natural integrity of land from piecemeal subdivision. This
4 mechanism shall include the adoption of long-range land use
5 goals, a statewide land and water resources inventory that
6 identifies important agricultural areas, and proposed
7 agricultural protection policies.

8 Section 3. Definitions. As used in this act, unless
9 the context clearly indicates that a different meaning is
10 intended: (1) "Agricultural land" means all agricultural
11 lands in Montana classified by the department of revenue as
12 irrigated 1A through 6; non-irrigated farm 1A5 through 2C;
13 non-irrigated contiguously-cropped farm 1 through 10; wild
14 hay 1 through 4, and grazing 1A2 through 2B. All land and
15 water features within these lands are included in this
16 definition.

17 (2) "Commission" means a statewide land use commission
18 that may in the future be established for the purpose of
19 determining goals for Montana's future through broad based
20 public involvement.

21 (3) "Governing body" means the board of county
22 commissioners or any other local agency having the authority
23 to approve, disapprove, or conditionally approve
24 subdivisions under law.

25 (4) "Subdivision" means any division of agricultural

1 land into two (2) or more parcels in order that the title to
2 or possession of the parcels may be sold, rented, leased for
3 a period of five (5) years or longer, conveyed by contract
4 for deed, or otherwise conveyed, and shall include any
5 resubdivision.

6 Section 4. Temporary suspension. There is a temporary
7 prohibition of agricultural land subdivision activity in
8 Montana until July 1, 1979. The suspension shall apply to
9 proposed subdivision on all agricultural lands within the
10 jurisdiction of the applicable local governing body except
11 in the following situations; provided that the exceptions
12 are not used to evade the purposes of the act: (1) the area
13 within the boundaries of, and within the area not to exceed
14 two (2) miles from the limits of first, second, and third
15 class cities existing at the time of the effective date of
16 this act, as defined by section 11-201, R.C.M. 1947;

17 (2) proposed subdivisions which have been accepted for
18 review by the applicable governing body or its designated
19 representative on the effective date of this act;

20 (3) in any county with a county planning board which
21 has adopted and implemented a county-wide master plan as
22 provided in section 11-3831, R.C.M. 1947, which provides
23 adequate protection CONSISTENT WITH THE PURPOSES OF THIS ACT
24 for all agricultural lands within the county; provided that
25 the provisions of this act shall continue to apply unless

1 the governing body adopts an affirmative resolution after a
2 public hearing, to exempt the qualifying jurisdiction from
3 this act;

4 (4) divisions made by sale, rental, lease for a period
5 of five (5) years or longer, or agreement to buy and sell
6 where the parties to the transaction enter into a covenant
7 running with the land and revocable only by the mutual
8 consent of the governing body and the property owner that
9 the divided land will be used exclusively for agricultural
10 purposes as defined in section 84-437.2, R.C.M. 1947;

11 (5) divisions made for the purpose of relocating
12 common boundary lines between adjoining property;

13 (6) a gift or sale of land to a member of one's
14 immediate family, provided that any one (1) family member
15 may receive only one gift or sale under the terms of this
16 exemption.

17 Section 5. Goals. The office of the governor shall
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19 process that shall include the participation of both the
20 public and appropriate state agencies, except that this
21 process shall be coordinated by the commission if such a
22 body is established in the future. Such goals shall relate
23 to land use and economic and population growth. The process
24 shall include a compilation and analysis of citizen
25 attitudes toward economic and population growth as well as

1 citizen perceptions toward what constitutes the quality of
2 life. The proposed goals shall be submitted by the governor
3 or by the commission if it is created, to the forty-fifth
4 legislature for legislative enactment in order to provide
5 overall direction to land use planning legislation and
6 programs. The goals shall be monitored and evaluated for
7 revision as needed.

8 Section 6. Inventory. Within thirty-six (36) months
9 of the effective date of this act, a statewide land and
10 water resources inventory shall be completed by the
11 department of natural resources and conservation, the
12 department of fish and game, the department of state lands,
13 and the department of intergovernmental relations. The
14 inventory shall be coordinated by the department of natural
15 resources and conservation except that the commission, if
16 established, shall coordinate the inventory. Within six (6)
17 months of the effective date of this act, the four (4)
18 departments named in this section shall jointly prepare an
19 inventory methodology, with provisions for coordinating
20 existing inventory programs and effectively using existing
21 data, as well as criteria and guidelines for identifying
22 important agricultural land. The criteria shall be adopted
23 in compliance with the Montana Administrative Procedure Act
24 and shall include: (1) provisions insuring that the
25 departments will comprehensively inventory all nonfederal

1 lands within the state of Montana at an adequate scale to
 2 identify those areas which are important agricultural lands;
 3 and

4 (2) provisions for identifying and describing ~~all~~ ANY
 5 SIGNIFICANT historical, cultural, aesthetic, and natural
 6 systems.

7 Section 7. Agricultural protection policies. The
 8 department of revenue, agriculture, state lands, natural
 9 resources and conservation, and intergovernmental relations
 10 shall jointly prepare an agricultural protection plan in
 11 accordance with the Montana Administrative Procedure Act for
 12 Montana to include land use proposals, tax and economic
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15 Section 8. State and local governing bodies prohibited
 16 from approving agricultural subdivision prior to July 1,
 17 1979. (1) No governing body in the state of Montana may
 18 approve or conditionally approve any proposed subdivision
 19 within the suspension area defined in section [4 of this
 20 act]. In addition, no proposed subdivision within the area
 21 may be approved by the local health officer having
 22 jurisdiction or by the department of health and
 23 environmental sciences under the provisions of section
 24 69-5003.

25 (2) It is unlawful for any person to create by sale or

1 contract for sale a subdivision within the terms and meaning
 2 of this act. No county clerk and recorder may accept for
 3 filing a plat or certificate of survey for a subdivision as
 4 defined in section 4.

5 Section 9. Penalties. (1) A person who violates this
 6 act shall be fined not less than five hundred dollars (\$500)
 7 nor more than ten thousand dollars (\$10,000) for each
 8 violation or imprisoned for not more than six (6) months, or
 9 both. Each separate violation of section 8 of this act
 10 shall constitute a separate offense.

11 (2) Whenever a person is violating or is about to
 12 violate this act the attorney general shall bring a civil
 13 action on behalf of the state in the first district court of
 14 Montana for injunctive or other appropriate relief, and upon
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 16 order shall be granted without bond.

17 (3) All fines collected under this section shall be
 18 deposited in the general fund of the state.

19 Section 10. Severability. If a part of this act is
 20 invalid, all valid parts that are severable from the invalid
 21 part remain in effect. If a part of this act is invalid in
 22 one or more of its applications, the part remains in effect
 23 in all valid applications that are severable from the
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25 Section 11. Effective date. This act is effective on

HB 0319/02

1 its passage and approval.

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2 or possession of the parcels may be sold, rented, leased for
3 a period of five (5) years or longer, conveyed by contract
4 for deed, or otherwise conveyed, and shall include any
5 resubdivision BUT SHALL NOT INCLUDE GRANTS OR CONVEYANCES OF
6 SITES, EASEMENTS OR RIGHTS OF WAY FOR SEWER, WATER,
7 TELEPHONE, TELEGRAPH, ELECTRIC OR OTHER SIMILAR UTILITY
8 FACILITIES.

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18 THAT THE GOVERNING BODIES MAY EXTEND THE AREA TO THAT WITHIN
19 FOUR AND ONE-HALF (4 1/2) MILES FROM THE LIMITS OF first,
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 17 department of natural resources and conservation, the
 18 department of fish and game, the department of state lands,
 19 and the department of intergovernmental relations. The
 20 inventory shall be coordinated by the department of natural
 21 resources and conservation except that the commission, if
 22 established, shall coordinate the inventory. Within six (6)
 23 months of the effective date of this act, the four (4)
 24 departments named in this section shall jointly prepare an
 25 inventory methodology, with provisions for coordinating

1 existing inventory programs and effectively using existing
 2 data, as well as criteria and guidelines for identifying
 3 important agricultural land. The criteria shall be adopted
 4 in compliance with the Montana Administrative Procedure Act
 5 and shall include: (1) provisions insuring that the
 6 departments will comprehensively inventory all nonfederal
 7 lands within the state of Montana at an adequate scale to
 8 identify those areas which are important agricultural lands;
 9 and

10 (2) provisions for identifying and describing ~~all~~ ANY
 11 SIGNIFICANT historical, cultural, aesthetic, and natural
 12 systems.

13 Section 7. Agricultural protection policies. The
 14 department of revenue, agriculture, state lands, natural
 15 resources and conservation, and intergovernmental relations
 16 shall jointly prepare an agricultural protection plan in
 17 accordance with the Montana Administrative Procedure Act for
 18 Montana to include land use proposals, tax and economic
 19 incentives and family farm policies for submission to the
 20 forty-fifth legislature.

21 Section 8. State and local governing bodies prohibited
 22 from approving agricultural subdivision prior to July 1,
 23 ~~1979~~ 1977. (1) No governing body in the state of Montana
 24 may approve or conditionally approve any proposed
 25 subdivision within the suspension area defined in section [4

1 of this act]. In addition, no proposed subdivision within
 2 the area may be approved by the local health officer having
 3 jurisdiction or by the department of health and
 4 environmental sciences under the provisions of section
 5 69-5003.

6 (2) It is unlawful for any person to create by sale or
 7 contract for sale a subdivision within the terms and meaning
 8 of this act. No county clerk and recorder may accept for
 9 filing a plat or certificate of survey for a subdivision as
 10 defined in section 4.

11 Section 9. Penalties. (1) A person who violates this
 12 act shall be fined not less than five hundred dollars (\$500)
 13 nor more than ten thousand dollars (\$10,000) for each
 14 violation or imprisoned for not more than six (6) months, or
 15 both. Each separate violation of section 8 of this act
 16 shall constitute a separate offense.

17 (2) Whenever a person is violating or is about to
 18 violate this act the attorney general shall bring a civil
 19 action on behalf of the state in the first district court of
 20 Montana for injunctive or other appropriate relief, and upon
 21 a proper showing an injunctive or temporary restraining
 22 order shall be granted without bond.

23 (3) All fines collected under this section shall be
 24 deposited in the general fund of the state.

25 Section 10. Severability. If a part of this act is

1 invalid, all valid parts that are severable from the invalid
2 part remain in effect. If a part of this act is invalid in
3 one or more of its applications, the part remains in effect
4 in all valid applications that are severable from the
5 invalid applications.

6 Section 11. Effective date. This act is effective on
7 its passage and approval.

-End-

March 25, 1975

SENATE COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION
AMENDMENTS TO HOUSE BILL NO. 319

That House Bill No. 319, third reading, be amended as follows:

1. Amend title, line 8.
Following: "MONTANA;"
Strike: "PROVIDING FOR A TEMPORARY SUSPENSION OF AGRICULTURAL
SUBDIVISION DEVELOPMENT UNTIL JULY 1, 1979, DURING WHICH TIME"
Insert: "authorizing local suspension of subdivision activity;
provides that"
2. Amend title, line 11.
Following: "CONCERNING"
Strike: "LAND USE"
Insert: "the maintenance of the agricultural base"
3. Amend page 2, section 2, line 8.
Following: "long-term"
Strike: "good of society"
Insert: "maintenance of the agricultural base"
4. Amend page 2, section 2, line 10.
Following: "concerning"
Strike: "land use"
Insert: "the maintenance of the agricultural base"
5. Amend page 2, section 2, line 12.
Following: line 11
Strike: "statewide land and water"
Insert: "natural"
6. Amend page 2, section 2, line 12.
Following: "water"
Strike: "resources"
Insert: "resource"
7. Amend page 2, section 2, line 12 through 13.
Following: "inventory"
Strike: "with the identification and protection of areas of state
concern"
8. Amend page 2, section 2, lines 19 and 20.
Following: "land"
Strike: "wildlife habitat, scenic beauty, open space, stream,
and shoreland quality"
9. Amend page 2, section 2, line 25.
Following: "and"
Insert: "to allow local governing bodies"
10. Amend page 3, section 2, line 4.
Following: "long-range"
Strike: "land use"

11. Amend page 3, section 2, line 5.
Following: "statewide"
Strike: "land and water"
Insert: "natural"
12. Amend page 3, section 3, lines 10 through 20.
Following: "intended:"
Strike: Subsections 1 and 2 in their entirety
Re-number: All subsequent subsections
13. Amend page 3, section 3, line 22.
Following: "commissioners"
Strike: "or any other local agency having the authority to approve, disapprove, or conditionally approve subdivisions under law"
Insert: "and local planning boards"
14. Amend page 3, section 3, line 25.
Following: "division of"
Strike: "agricultural"
15. Amend page 4, section 4, line 9 through line 22.
Following: "Section 4."
Strike: lines 9 through 22
Insert: "Local Regulations. (1) The governing body may, after a public hearing and the advise of the local planning board, adopt a temporary regulation providing for the suspension of subdivision activity for all or any portion of the lands within its jurisdiction. The suspension period of such regulation shall be limited to two (2) years from the date it becomes effective. The governing body may extend the regulation for one (1) year, but not more than one (1) extension may be made. The purpose of the regulation shall be to promote the public health, safety, and general welfare by protecting the area's economic, natural, and agricultural integrity during the period that goals, inventories, and agricultural protection policies are formulated as provided by this act. The regulation may provide special emphasis to the maintenance of agricultural land for agricultural purposes. The regulation may also promote the completion and implementation of the local master plan and zoning regulations or an amendment, extension, or addition to either. The suspension shall not apply to proposed subdivisions in the following situations; provided that the exceptions are not used to evade the purposes of the act:"
16. Amend page 4, section 4, line 23.
Following: line 22
Strike: "(2)"
Insert: "(a)"
17. Amend page 4, section 4, line 25.
Following: "date of"
Strike: "this act"
Insert: "the regulation"
18. Amend page 5, section 4, lines 1 through 9.
Strike: Subsection (3) in its entirety

19. Amend page 5, section 4, line 10.
Following: line 9
Strike: "(4)"
Insert: "(b)"
20. Amend page 5, section 4, lines 12 through 14.
Strike: lines 12 through 14 in their entirety
Insert: "when all of"
21. Amend page 5, section 4, line 16.
Following: "1947"
Strike: ";"
Insert: ". Any proposed change in use of the land for anything other than agricultural purposes subjects the division to any local regulation which may be adopted pursuant to this section."
22. Amend page 5, section 4, line 17.
Following: line 16
Strike: "(5)"
Insert: "(c)"
23. Amend page 5, section 4, line 19.
Following: line 18
Strike: "(6)"
Insert: "(d)"
24. Amend page 5, section 4,
line 22.
Following: "exemption"
Strike: ". "
Insert: ";"
25. Amend page 5, section 4, line 22.
Following: line 22
Insert: "(e) the area within the boundaries of, and within the area not to exceed four and one half (4 1/2) miles from the limits of first, second, and third class cities existing at the time of the effective date of this act as defined by section 11-201, R.C.M. 1947.
(2) The regulation as provided for in subsection one (1) of this section may also be adopted pursuant to sections 37-301 through 37-311 except that if the regulation applies to only a portion of the county the percentages of qualified voters indicated in sections 37-301, 302, 304 and 305 shall be based on the number of qualified voters residing within the area proposed for regulation. In addition any such regulation which is subject to a regular or special election as provided for in sections 37-302 and 306 shall be voted on only by qualified voters residing within the area proposed for regulation."

26. Amend page 6, section 5, line 1.
Following: "appropriate"
Insert: "local and"
27. Amend page 6, section 5, lines 1 through 2 and line 3.
Following: "agencies"
Strike: ", except that this process shall be coordinated by the commission if such a body is established in the future"
28. Amend page 6, section 5, line 4.
Following: "to"
Strike: "land use"
Insert: "the maintenance of the agricultural base"
29. Amend page 6, section 5, line 6.
Following: "toward"
Insert: "the maintenance of the agricultural base and"
30. Amend page 6, section 5, line 9.
Following: line 8
Strike: "or by the commission if it is created,"
31. Amend page 6, section 5, line 13.
Following: "needed."
Insert: "Prior to submission to the legislature, the governor shall provide for adequate citizen review and input of the proposed goals through local, regional meetings."
32. Amend page 6, section 6, lines 14 through line 12 on page 7.
Following: "Inventory."
Strike: Section 6 in its entirety
Insert: "(1) By January 1, 1976, the departments of agriculture, livestock, health and environmental sciences, intergovernmental relations, natural resources and conservation, fish and game, state lands, and the conservation districts shall prepare and make available to the public a directory listing the type of natural resource inventory data and information now being collected and stored by local, federal, and state agencies in Montana that may be required by citizens and local governing bodies in accomplishing the purposes of this act."
33. Amend page 7, section 7, line 14.
Following: "agriculture,"
Insert: "livestock,"
34. Amend page 7, section 7, line 15.
Following: "relations"
Insert: "in cooperation with the governing bodies"
35. Amend page 7, section 7, line 19.
Following: "and"
Strike: "family"

36. Amend page 7, section 7, line 20.

Following: "legislature."

Insert: "Prior to submission to the legislature, the agencies shall provide for adequate citizen review and input of the proposed policies through local and regional meetings."

37. Amend page 7, section 8, lines 21 through line 24 on page 8.

Strike: Section 8 and 9 in their entirety

Renumber: All subsequent sections