

CHAPTER NO. 703

SENATE BILL NO. 412

INTRODUCED BY McCALLUM

IN THE SENATE

February 7, 1979	Introduced and referred to Committee on Local Government.
February 15, 1979	Committee recommend bill do pass as amended. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 19, 1979	Second reading, do pass.
February 20, 1979	Considered correctly engrossed.
February 21, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 22, 1979	Introduced and referred to Committee on Local Government.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 24, 1979	Returned from second house. Concurred in as amended.
March 26, 1979	Second reading, pass consideration until March 28, 1979.
March 28, 1979	Second reading, amendments rejected.

March 28, 1979 On motion, Joint Conference
 Committee requested.

March 29, 1979 Joint Conference Committee
 appointed.

April 17, 1979 Joint Conference Committee
 dissolved.

 On motion, Free Joint Con-
 ference Committee requested.

 Free Joint Conference Com-
 mittee appointed.

April 19, 1979 Free Joint Conference Com-
 mittee reported.

 On motion rules suspended.
 Bill referred to second
 reading for consideration
 this day.

 Second reading, adopted.

 On motion rules suspended.
 Bill placed on Calendar for
 third reading this day.

 Third reading, adopted.

 Adopted by House.

 Sent to enrolling.

 Reported correctly enrolled.

1 *Sen* BILL NO. *412*
2 INTRODUCED BY *McBallin*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO WAIVE PARK
5 DEDICATION REQUIREMENTS FOR RESUBDIVISION OF SUBDIVISIONS
6 APPROVED AND FILED BEFORE JULY 1, 1973; AMENDING SECTION
7 76-3-606, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 76-3-606, MCA, is amended to read:
11 "76-3-606. Dedication of land to public -- cash
12 donations. (1) A plat of a residential subdivision shall
13 show that one-ninth of the combined area of lots 5 acres or
14 less in size and one-twelfth of the combined area of lots
15 greater than 5 acres in size, exclusive of all other
16 dedications, is forever dedicated to the public for parks or
17 playgrounds. No dedication may be required for the combined
18 area of those lots in the subdivision which are larger than
19 10 acres exclusive of all other dedications. The governing
20 body, in consultation with the planning board having
21 jurisdiction, may determine suitable locations for such
22 parks and playgrounds.

23 (2) Where the dedication of land for parks or
24 playgrounds is undesirable because of size, topography,
25 shape, location, or other circumstances, the governing body

1 may, for good cause shown, make an order to be endorsed and
2 certified on the plat accepting a cash donation in lieu of
3 the dedication of land and equal to the fair market value of
4 the amount of land that would have been dedicated. For the
5 purpose of this section, the fair market value is the value
6 of the unsubdivided, unimproved land. Such cash donation
7 shall be paid into the park fund to be used for the purchase
8 of additional lands or for the initial development of parks
9 and playgrounds.

10 (3) The park dedication and cash in lieu requirements
11 of subsections (1) and (2) do not apply to any resubdivision
12 of a platted subdivision approved and filed before July 1,
13 1973."

-End-

SB 412
-2- INTRODUCED BILL

STATE OF MONTANA

REQUEST NO. 280-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 413 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

This proposed bill provides an exemption from property taxation for unprocessed grain crops held in storage under a Federal Commodity Credit Corporation Loan Program.

ASSUMPTIONS

- 1) The proposed legislation will have no impact in FY 80.
- 2) The taxable value of property in this category was \$3,231,933 for FY79 taxation purposes. The taxable value for FY81 taxation purposes will be at least \$3.2 million.
- 3) 90% of the property in this category is under a Federal Commodity Credit Corporation Loan Program.
- 4) A statewide local government levy of 150 mills. (rural)
- 5) A univeristy levy of 6 mills.
- 6) No change in administrative costs will be noted.

FISCAL IMPACT

University Levy (6 mills)	<u>FY 80</u>	<u>FY 81</u>
-effect of proposed legislation		
Estimated Decrease	<u>No Impact</u>	<u>(\$17,300)</u>

FUND INFORMATION

- University Levy	
Estimated Decrease	<u>(\$17,300)</u>

EFFECT ON LOCAL GOVERNMENTS

In FY 81 revenues to local governments should decrease by approximately \$432,000, but the effect of this revenue loss will be felt mainly in the counties listed on the attached sheet. The figures are based on FY79 tax purpose data, but should give an idea of the revenue loss that might occur in FY81.

LONG-RANGE EFFECTS

Revenues to local governments would be decreased at least \$430,000 for each and every year this legislation is in effect. The University Levy would be decreased by at least \$17,000 per year.

Richard L. Drayton
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/13/79

UNPROCESSED AGRICULTURAL PRODUCTS ON FARM OR IN STORAGE

(Figures used for FY 79 Tax Purposes)

<u>County</u>	<u>Taxable Value</u>	<u>90% of Taxable Value</u>	<u>Local Mill Levy (150 Mills)</u>
Chouteau	\$445,358	\$400,822	\$ 60,123
Daniels	260,176	234,158	35,124
Dawson	108,384	97,546	14,632
Fergus	136,212	122,591	18,389
Liberty	150,319	135,287	20,293
McCone	98,966	89,069	13,360
Phillips	104,849	94,364	14,155
Pondera	180,030	162,027	24,304
Richland	123,843	111,459	16,719
Roosevelt	111,321	100,189	15,028
Sheridan	214,878	193,390	29,008
Toole	209,185	188,266	28,240
Valley	193,819	174,437	26,166
Yellowstone	213,890	192,501	28,875

Approved by Comm.
~~on~~ Local Government

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 5 DEDICATION REQUIREMENTS FOR RESUBDIVISION OF SUBDIVISIONS
 6 APPROVED AND FILED BEFORE JULY 1, 1973; AMENDING SECTION
 7 76-3-606, MCA."

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 15 greater than 5 acres in size, exclusive of all other
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 17 playgrounds. No dedication may be required for the combined
 18 area of those lots in the subdivision which are larger than
 19 10 acres exclusive of all other dedications. The governing
 20 body, in consultation with the planning board having
 21 jurisdiction, may determine suitable locations for such
 22 parks and playgrounds.

23 (2) Where the dedication of land for parks or
 24 playgrounds is undesirable because of size, topography,
 25 shape, location, or other circumstances, the governing body

1 may, for good cause shown, make an order to be endorsed and
 2 certified on the plat accepting a cash donation in lieu of
 3 the dedication of land and equal to the fair market value of
 4 the amount of land that would have been dedicated. For the
 5 purpose of this section, the fair market value is the value
 6 of the unsubdivided, unimproved land. Such cash donation
 7 shall be paid into the park fund to be used for the purchase
 8 of additional lands or for the initial development of parks
 9 and playgrounds.

10 ~~(1) The park dedication and cash in lieu requirements~~
 11 ~~of subsections (1) and (2) do not apply to any resubdivision~~
 12 ~~of a plat of BONA FIDE OCCASIONAL SALE OR FAMILY CONVEYANCE~~
 13 ~~WITHIN ANY PARCEL OF A PLAT, subdivision, OR ADDITION~~
 14 ~~approved and filed before July 1, 1973."~~

-End-

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8 of additional lands or for the initial development of parks
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10 ~~(3) The park dedication and cash in lieu requirements~~
11 ~~of subsections (1) and (2) do not apply to any resubdivision~~
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-End-

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO WAIVE PARK
 5 DEDICATION REQUIREMENTS FOR RESUBDIVISION-OF-SUBDIVISIONS
 6 APPROVED-AND-FILED-BEFORE-JULY-17-1973 ANY DIVISION WHICH
 7 CREATES ONE ADDITIONAL RESIDENTIAL LOT WITHIN A PLATTED
 8 SUBDIVISION; AMENDING SECTION 76-3-606, MCA."

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 13 ~~of a-platted ~~OR~~ ~~FILE~~ ~~OR~~ ~~REGISTRATION~~ ~~SALE~~ ~~OR~~ ~~FAMILY~~ ~~CONVEYANCE~~~~
 14 ~~within ANY PARCEL OF A PLAT subdivision, OR ADDITION~~
 15 ~~approved and filed before July 17, 1973, DIVISION WHICH~~
 16 ~~CREATES ONE ADDITIONAL RESIDENTIAL LOT WITHIN A PLATTED~~
 17 ~~SUBDIVISION."~~

-End-

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5 DEDICATION REQUIREMENTS FOR ~~RESUBDIVISION-OF-SUBDIVISIONS~~
6 ~~APPROVED-AND-FILED-BEFORE-JULY-17-1973 ANY-DIVISION-WHICH~~
7 ~~CREATES--ONE--ADDITIONAL--RESIDENTIAL--LOT--WITHIN-A-PLATTED~~
8 ~~SUBDIVISION ANY DIVISION THAT CREATES ONLY ONE ADDITIONAL~~
9 ~~LOT; AMENDING SECTION 76-3-606, MCA."~~

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16 ~~approved-and-filed-before-july-17-1973, DIVISION-WHICH~~
17 ~~CREATES--ONE--ADDITIONAL--RESIDENTIAL--LOT--WITHIN-A-PLATTED~~
18 ~~SUBDIVISION DIVISION THAT CREATES ONLY ONE ADDITIONAL LOT."~~

-End-

Committee on LOCAL GOVERNMENT Amendments to Senate Bill 412,
third reading copy, be amended as follows:

1. Title, lines 5 and 6.

Following: "FOR"

Strike: "RESUBDIVISION OF SUBDIVISIONS APPROVED AND FILED BEFORE
JULY 1, 1973"

Insert: "ANY DIVISION WHICH CREATES ONE ADDITIONAL RESIDENTIAL LOT
WITHIN A PLATTED SUBDIVISION"

2. Page 2, lines 12 through 14.

Strike: lines 12 through 14 in their entirety

Insert: "division which creates one additional residential lot
within a platted subdivision."

AND AS AMENDED BE CONCURRED IN