

House Bill 192

In The House

January 13, 1981	Introduced and referred to Committee on Local Government.
February 18, 1981	Committee recommend bill do pass as amended.
February 19, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading passed.

In The Senate

March 2, 1981	Introduced and referred to Committee on Local Government.
March 18, 1981	Committee recommend bill concurred.
March 20, 1981	On motion taken from second reading and referred to Local Government. Motion adopted.
March 26, 1981	Committee recommend bill concurred.
March 28, 1981	Second reading concurred as amended.
March 30, 1981	Motion pass consideration.
March 31, 1981	Third reading not concurred.

In The House

April 1, 1981	Returned from Senate not concurred as amended.
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1 would have on ground and surface water, air, soils, slopes,
2 vegetation, wildlife, and historical or archaeological
3 sites, and
4 the effect on the public health and safety of
5 present and future residents from potential hazards such as
6 flooding, avalanches, rockslides, high-pressure gaslines,
7 high-voltage powerlines, nearby industrial or mining
8 operations, or unsafe airport or traffic conditions."

-End-

Approved by Comm.
on Local Government

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

20 (2) To determine whether the proposed subdivision
21 would be in the public interest, the governing body shall
22 issue a written findings finding of--fact--which--weigh--the
23 following--criteria--for--public--interest that considers at
24 least the following:
25 fact--the--basis--of--the--need--for--the--subdivision

1 installation or improvement of services not feasible for
2 present landowners;
3 estimate the effects the subdivision would have on
4 taxation, such as the effects on taxable valuation, local
5 tax revenues, local mill levies, the local government's
6 bonded indebtedness, and special taxing districts;
7 estimate the effect the subdivision and its construction
8 would have on ground and surface water, air, soils, slopes,
9 vegetation, wildlife, and historical or archaeological
10 sites; and
11 estimate the effect on the public health and safety of
12 present and future residents from potential hazards such as
13 flooding, avalanches, rockslides, high-pressure gas lines,
14 high-voltage powerlines, nearby industrial or mining
15 operations, or unsafe airport or traffic conditions."

-End-

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

20 (2) To determine whether the proposed subdivision
21 would be in the public interest, the governing body shall
22 issue a written findings finding of--fact--which--wetch--the
23 following--criteria--for--public--interest that considers at
24 least the following:

25 tat--the-basis-of-the-need-for-the-substitution

1 installation or improvement of services not feasible for
2 present landowners;
3 item (E) the effects the subdivision would have on
4 taxation, such as the effects on taxable valuation, local
5 tax revenues, local mill levies, the local government's
6 bonded indebtedness, and special taxing districts;
7 item (F) the effect the subdivision and its construction
8 would have on ground and surface water, air, soils, slopes,
9 vegetation, wildlife, and historical or archaeological
10 sites; and
11 item (G) the effect on the public health and safety of
12 present and future residents from potential hazards such as
13 flooding, avalanches, rockslides, high-pressure gaslines,
14 high-voltage powerlines, nearby industrial or mining
15 operations, or unsafe airport or traffic conditions."

-End-

9 Section 1. Section 76-3-608, MCA, is amended to read:

10 "76-3-608. Criteria for local government review. (1)

11 ~~the Except--for--those--subdivisions--eligible--for--summary~~

12 ~~review--the~~ THE basis for the governing body's decision to

13 approve, conditionally approve, or disapprove a subdivision

14 shall be whether the preliminary plat, environmental

15 assessment, public hearing, planning board recommendations,

16 and additional information demonstrate that development of

17 the subdivision would be in the public interest. The

18 governing--body--shall--disapprove--any--subdivision--which--it

19 finds--not--to--be--in--the--public--interest.

20 (2) To determine whether the proposed subdivision
21 would be in the public interest, the governing body shall
22 issue a written findings finding of--fact--which--weigh--the
23 following--criteria--for--public--interest that considers at
24 least the following:

25 ~~for--the-basis-of-the-need-for-the-subdivision~~

1 fbt--expressed-public-opinion
2 fct--effects-on-agriculture
3 tdt--effects-on-local-services
4 tet--effects-on-taxation
5 tfi--effects-on-the-natural-environment
6 tgt--effects-on-wildlife-and-wildlife-habitat-and
7 tht--effects-on-the-public-health-and-safety
8 (A) EXPRESSED PUBLIC OPINION PROVIDED THAT IT IS IN
9 THE CONTEXT OF THE OTHER CRITERIA;
10 fbj--EFFECTS--ON--AGRICULTURE--AND--AGRICULTURAL--LAND--
11 CONSIDERING--AT--LEAST--THE--PRODUCTIVE--CAPABILITY--OF--THE--LAND--
12 AGRICULTURAL--PRESERVATION--PLANS--FOR--THE--AREA--AND--THE
13 UNIQUENESS--OR--IMPORTANCE--TO--THE--LOCAL--ECONOMY--OF--THE
14 AGRICULTURAL--COMMODITIES--PRODUCED
15 fatt{b} the compatibility of the subdivision with
16 adopted community goals, policies, or plans;
17 fbt{b}{c} (i) the effect the subdivision would have on
18 public schools, services, and facilities (including the
19 extent to which new or expanded services would be needed to
20 serve the subdivision);
21 (ii) who would bear the various costs of the additional
22 services;
23 (iii) what legal constraints affect the provision of
24 those services; and
25 (iv) whether the subdivision would allow the

1 installation or improvement of services not feasible for
2 present landowners;

3 ~~ffffD~~ the effects the subdivision would have on
4 taxation, such as the effects on taxable valuation, local
5 tax revenues, local mill levies, the local government's
6 bonded indebtedness, and special taxing districts;

7 ~~ffffE~~ the effect the subdivision and its
8 construction would have on ground and surface water, air,
9 soils, slopes, vegetation, wildlife, and historical or
10 archaeological sites; and

11 ~~ffffF~~ the effect on the public health and safety
12 of present and future residents from potential hazards such
13 as flooding, avalanches, rockslides, high-pressure gaslines,
14 high-voltage powerlines, nearby industrial or mining
15 operations, or unsafe airport or traffic conditions."

-End-

March 28, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 192, third reading copy, as follows:

1. Page 2, lines 10 through 14.
Strike: subsection (B) in its entirety.
Reletter: subsequent subsections.