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Education and Local Government Interim Committee

59th Montana Legislature

SENATE MEMBERS

JEFF MANGAN--Chair
JEFF ESSMANN
KIM GILLAN
BOB HAWKS
RICK LAIBLE
ROBERT STORY

HOUSE MEMBERS

MARK NOENNIG--Vice Chair
ELSIE ARNTZEN
KATHLEEN GALVIN-HALCRO
ROBIN HAMILTON
MIKE JOPEK
JON SONJU

COMMITTEE STAFF

LEANNE KURTZ, Lead Staff
EDDYE MCCLURE, Staff Attorney
FONG HOM, Secretary

LOCAL GOVERNMENT SUBCOMMITTEE MINUTES

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

February 23, 2006

Capitol Building, Room 137
Helena, Montana

COMMITTEE MEMBERS PRESENT

SEN. RICK LAIBLE, Chair

SEN. KIM GILLAN
SEN. JEFF MANGAN

REP. MARK NOENNIG
REP. JON SONJU

COMMITTEE MEMBERS EXCUSED

REP. MIKE JOPEK
SEN. JEFF ESSMANN

STAFF PRESENT

LEANNE KURTZ, Lead Staff
FONG HOM, Secretary

Visitors

Visitors' list, Attachment #1.

COMMITTEE ACTION

TAPE 1A

CALL TO ORDER AND ROLL CALL

SEN. LAIBLE called the meeting to order at 1:15 p.m. Secretary called roll. Sen. Essmann and Sen. Jopek were excused; Sen. Mangan and Rep. Sonju were absent. Sen. Gillan was in the building but not in Room 137.

MONTANA MAIN STREET STATE HERITAGE AREAS

CHERE JUISTO, Executive Director of Montana Preservation Alliance, gave a brief overview of the Montana Preservation Alliance.

- The Montana Preservation Alliance promotes historical preservation and education statewide to communities, to preserve their culture and history, to introduce strategies on how to make historic preservation viable and how to link it with economic development and local initiatives to promote vital communities in Montana.
- The Montana Preservation Alliance hosted a workshop on some major initiatives that have been successfully conducted in other parts of the country in which many Montana communities have a strong interest.
- Because of the workshop, two national spokespeople for the initiatives are in Montana who can bring some information to the Committee. Barb Pahl, National Trust for Historic Preservation, who pioneered the concept of Main Street; and Dr. Carroll Van West, Tennessee National Heritage Area for Civil War Battlefields, with the National Alliance of Heritage Areas.
- The 2005 Legislature approved a one-time appropriation to launch a Main Street program in Montana. The Main Street program is located in the Department of Commerce and they are in the process of enrolling communities into the program.

SEN. LAIBLE asked that the record show that Sen. Gillan is at the meeting.

ANN DESCH, State Director of Small Business Development Center Bureau, Department of Commerce, gave an update on the new State Main Street Program.

- The Program was launched on July 1, 2005, with a budget of \$125,000 per year for two years, and a full time employee. This is a pilot project to gauge the interest across the state to revitalize downtowns with an emphasis on historic preservation using the organized principles of the National Trust Main Street four-point approach: organization, promotion, design and economic restructuring.
- They will select two pilot communities to work under those four points towards revitalizing their downtown areas. They can offer \$25,000 to \$30,000 worth of consulting services to communities.
- They are looking at a two-track approach where they select two communities that can take advantage of consulting services through the State Main Street Program and also

through the National Trust. The other track is to offer technical assistance from the state level in the Small Business Development Center Bureau to help move the communities along the continuum so they will be ready to apply for the next cycle.

- They will put together a resource booklet that will list the financing and technical assistance resources that are available to help communities to revitalize their downtowns.
- On April 3, they will make a decision on the two communities that will be the pilot communities for the Main Street Program.

QUESTIONS

SEN. GILLAN asked Ms. Desch if the two tracks that were mentioned in the Main Street Program would be offered as an either/or situation, or whether both be offered. MS. DESCH said that they are hoping to offer both so that there is someone that directs communities to resources, and at the same time, gives targeted consulting services through the National Trust, Main Street Center.

SEN. GILLAN asked if the eight communities which are not selected could be offered some type of help. MS. DESCH said that they want to bring those communities along so that they will be ready for the next application cycle.

SEN. LAIBLE asked where the funding comes from to provide the consulting services that are worth \$25,000. MS. DESCH said that there are various funding tools, like Big Sky Trust Fund and grants through the Certified Regional Development Corporation, tax increment financing, and funding through the Community Development Block Grant program.

BARB PAHL, Director of Mountains Plains Office, National Trust for Historic Preservation, gave a presentation on Main Street Program (**EXHIBIT 1**). Ms. Pahl said the National Trust is a national non-profit membership based organization out of Washington, D.C. The office in Denver provides preservation service and assistance to Montana, Utah, Wyoming, Colorado, North and South Dakota, Kansas and Nebraska.

QUESTIONS

SEN. LAIBLE asked if Ms. Pahl has seen any response in all the towns that she visited to the big box stores as far as local governments or local merchants are concerned. MS. PAHL said that some large retail box stores have affected downtown communities, and in many cases communities have had to adapt and come up with other ways to be competitive.

CARROLL VAN WEST, Director of Tennessee Civil War National Heritage Area, Chair of Heritage Development Institute, said that the Tennessee Civil War National Heritage Area is a program of the Center for Historic Preservation. He spoke on Heritage Areas, which are a strategy of collaboration and cooperation for communities, property owners, local officials to use

their heritage as assets. He provided the Subcommittee copies of the booklet "Getting Started with Heritage Areas" (**EXHIBIT 2**) and other information.

TAPE 1B

DEPARTMENT OF REVENUE - SB 48, Eliminate Class 8 Trigger

RANDY WILKE, Department of Revenue, discussed the three documents he distributed to the Committee: the project plan which displays the various activities that have gone in for the implementation of SB 48 (**EXHIBIT 3**); a copy of the personal property reporting form that is provided to taxpayers of Class A property (**EXHIBIT 4**); and a copy of a letter that is going out to people who are in the \$5,000 threshold to let them know what is going on with SB 48 and that they are not going to be requesting information from them (**EXHIBIT 5**).

QUESTIONS

SEN. LAIBLE asked how the Department of Revenue will be alerted if someone doesn't meet the threshold of \$20,000 and the following year they have new equipment that exceeds the threshold. MR. WILKE said that the Department of Revenue has a personal property audit program and routinely select businesses for audit. If they were to go to a business and determine that there was additional equipment and they determined that they met the \$20,000 threshold, then they would value accordingly and they would receive assessments. He said they do count on people to contact them if they purchase additional equipment. SEN. LAIBLE said it might be in the Department's best interest if they sent a note out to each business, particularly those that were at the \$5,000 level, as a reminder that if you buy new equipment, it might trigger a response and a new filing. MR. WILKE said that in the future, he is not sure that it will be the ones at \$5,000 who will be of interest. It is going to be the people who are above that, closer to \$20,000, and that is where the threshold has moved to.

SEN. LAIBLE asked if there was any way that the Department ties together filings from corporations and small businesses so if they had additional sales, volume of revenue, that it might trigger someone to look at their equipment. MR. WILKE said that they may be able to do those types of things with the new IRIS system, that there may be more flexibility in gathering that kind of information.

ED CAPLIS, Tax Policy Analyst, Department of Revenue, distributed a Summary of the Impact of Increasing the Class 8 Business Equipment Exemption to \$20,000 from \$5,000 (**EXHIBIT 6**); an accounting sheet which breaks out by county the actual impact and revenue loss to those counties for each type of taxing jurisdiction (**EXHIBIT 7**); and the impacts to cities (**EXHIBIT 8**).

QUESTIONS

SEN. LAIBLE, looking at impact on schools, asked Mr. Caplis to tell him how that came about

and where the revenue stream is not going to. MR. CAPLIS said the analysis is based on the tax levy report. He said that they calculate numbers for an average school mill levy for a county and that is what that number represents, and then they apply that to taxable value to get revenue.

HAROLD BLATTIE, Director of Montana Association of Counties, said that Senate bills cannot contain an appropriation. When the Senate Bill 48 was heard, they were told that an amendment would be placed on the bill that would provide the replacement revenue to the loss of revenue to local government. The bill passed the Senate and was in House Taxation. During Executive Session, the motion was made to amend the bill to include an amendment (**EXHIBIT 9**), the substance which is found on page 3, that made an adjustment and increased the entitlement share payments for local governments. It died on a tie vote. A Do Pass motion was then made which failed on a tie vote. A silver bullet was used so the bill was moved to the House floor without the amendment. If this taxable value is included in the deleted property section, then a significant shift of taxation to local taxpayers and local governments will happen. If it is not in that deleted property component, then local governments will have less revenue because of that amount of property not being subject to taxation.

REP. NOENNIG asked if the purpose of the amendment was to not have an effect on local government revenues. MR. BLATTIE said that is correct. He passed out an example of a County Tax Levy Requirements Schedule (**EXHIBIT 10**) that shows on the last page a Certified Taxable Value Sheet that is done by the Department of Revenue. If an exempted property is not included on the Certification Sheet, then there is a loss of revenue to local government.

REP. NOENNIG asked whether or not the definition or provision or statutory basis for the issue is properly included in the eliminated property. MR. BLATTIE said that he did not believe that there is. MR. WILKE added that SB 48 wasn't in effect in tax year 2005, but that it will take effect January 1 of this year. He said that it will be the first year that that calculation will be made. With respect to the category of eliminated property, that is something they are taking under review right now to determine whether it is something that's provided for in law and if it is, whether they would have it as part of this calculation as well.

SEN. GILLAN asked Mr. Wilke how the exemption of \$5,000 was done. MR. WILKE said that in 1999, they were certifying a mill levy and were providing information to local governments that, in essence, said here is the mill that you should pass if you want to get the same amount of revenue as you did last year, plus 10%. In 2001, it went to a determination of certifying the taxable value for each taxing jurisdiction. If there was a reduction, it was already taken care of.

SEN. GILLAN asked if HB 124 caused the change from mills to property value certification. ED CAPLIS, Department of Revenue, said that originally in SB 200, there was the \$5,000 exemption. That loss in revenue or taxable value was reimbursed in SB 184. In the 2001

Session, that bill was eliminated and that reimbursement was rolled into HB 124 (the Big Bill). The taxable value loss by raising the exemption from \$5,000 to \$20,000 was not reimbursed. One of the ways that counties and local governments could make up the difference in that loss is by floating their mills if they could treat that as eliminated property, and we are not clear on how we could treat it as eliminated property.

SEN. GILLAN asked why, in the certification, would you make eliminated property newly taxable property. MR. CAPLIS said that it would become eliminated property which is also deducted from their certified taxable value. When they are calculating how much revenue they can generate, that lost value is taken out of the calculation so they can go back with the lower tax base, but create a higher mill levy and generate the same amount of money, whereas if we still keep it in the base, they have that higher value and they can't mill as much to make up that loss. Mr. Caplis said that they can deduct two values out of a certified taxable value. That's a newly taxable value and your deleted property. What they are talking about is treating this loss because of the exemption as deleted property which then they can reduce their tax base to generate the same amount of money.

SEN. LAIBLE asked Mr. Blattie if failure of the amendment takes the burden from the business equipment taxpayers and puts it back on the property taxpayers. MR. BLATTIE said that had the amendment been put on the bill the way that it was, the counties' entitlement share would have been adjusted to provide them an amount of revenue that would have been anticipated to equal the loss of revenue. However, there wasn't a connection between this and the way floating mills were calculated under 15-1-121.

REP. NOENNIG said that under the amendment, the money would have come from the General Fund, without the amendment, it comes from property taxpayers. MR. BLATTIE said that his answer to that a year ago probably would have been different than it is today. Today the answer is that he believes there is clearly a policy decision there whether the General Fund should replace the revenue or whether the remaining taxpayers in the county should pay that.

SEN. LAIBLE asked if local government's entitlement share under HB 124 could be adjusted. MR. BLATTIE said that a better mechanism would be a simple reimbursement.

SJR 11 AND LAND USE PLANNING

TIM DAVIS, Montana Smart Growth Coalition, gave an update of the SJR 11 working group. He said that they decided that the working group would focus on specific changes to subdivision and zoning laws and some cleanup of legislation rather than tackling larger issues. The working group consists of 35 members and most of the recommendations that they decided to work on as a group focused on a proposal that the Montana Association of Planners put together. They will be meeting on a regular basis and will be able to come to a consensus on which of the

specific proposals they would like to put into draft form by the June meeting.

QUESTIONS

SEN. LAIBLE asked for a copy of the list of goals and problem statements (**EXHIBIT 11**). Sen. Laible also asked if the working group is getting some things accomplished. MR. DAVIS said yes.

TAPE 2A

UPDATE ON MODEL SUBDIVISION REGULATIONS

Professor John Horwich, University of Montana Law School, Director of Land Use Clinic, said that the last time he spoke to the Committee they were looking at an early December publication date for the model subdivision regulations. He said that has been delayed because of a change in scope of the project. They began the project in June and they had an agreement among the people working that they were going to limit the scope and incorporate new legislation (SB 290 and SB116) that communities had to incorporate by October of 2006, and that we would make a few other changes to make the model regulations more usable. That process has moved smoothly through November, but then some members of the group and some people outside the group pushed hard for additional changes to be made in regulations to improve them further and as communities were looking to revise their subdivision regulations, they should have a more comprehensive revised model in front them. That process is being undertaken by a planners group. We are looking at an April publication date of model subdivision regulations with all changes to be available. He said that a number of communities are in the process of revising their subdivision regulations to meet the new state law and we have advised them that the model regulations as they existed in December, which do incorporate changes resulting from SB 290 and SB 116, are available on the Internet..

SEN. LAIBLE asked Professor Horwich about SB 185. PROF. HORWICH said that 185 is not part of the subdivision regulations so it is not being addressed as part of the Model Subdivision Regulations. If communities wanted something for impact fees, that's not part of our task.

RESULTS OF PLANNER SURVEY

LEANNE KURTZ, Research Analyst, LSD, said she worked on a survey with the Association of Planners and that she has received results from a portion of the survey (**EXHIBIT 12**) that was geared toward local planners' technical assistance needs. Ms. Kurtz said she tried to highlight common themes in bold font which include a central source of technical assistance, whether that be a Community Technical Assistance Program or some kind of additional support, central staff, or central knowledgeable contact. A couple more common themes are subdivision exemptions and confusion on how to handle exemptions, zoning, and flood plains. She

compiled the information as a reference tool in advance of the panel discussion scheduled today.

QUESTIONS

SEN. GILLAN asked why Missoula did not respond.

TAMMY MCGILL, Montana Association of Planners, said that she is aware that Missoula was working on compiling the numbers; however some jurisdictions don't keep records of exemptions. She said that some of the questions that were asked on the survey was causing some problems in collecting the information.

PANEL DISCUSSION

LEANNE KURTZ said that Tammy McGill will speak to the need that is out there that is representative of the local government planners; David Cole will talk about his proposal to provide technical assistance; and Professor Horwich will present research findings and his technical assistance proposal.

TAMMY MCGILL, Representative for the Montana Association of Planners, spoke about the need for technical assistance. She said that a technical assistance program should be a long term program and one that they need to build together. MAP supports a government housed program that is sponsored by the government and endorsed by the government, so that they as local government jurisdictions and regulators of state statutes have someone to fall back on. Ms. McGill talked about the number of proposed subdivisions in different counties; the counties that have never seen a subdivision before and do not have planning boards or subdivision regulations. She talked about the role of county attorneys in the area of planning and the enforcement of regulations. She said that those counties that do not have full-time staff are the counties which need the technical assistance the most. MAP supports the creation of a technical assistance program. She said she would like a technical assistance program to include a FAQ page on the website so that when planners have questions, they would be able to go to one place. Presently there are two Attorney General opinions pending and both are, in her opinion, not needed because they could be dealt with by either a FAQ page or a simple question and answer period to a technical assistance program.

DAVID COLE, Administrator of the Community Development Division, Department of Commerce, gave a background history of the state's role in planning assistance to local governments. He said that the state has been in the business providing assistance to communities since the mid-50s until 2003, when the community technical assistance program (CTAP) was cut completely. Mr. Cole said that what they are proposing to do is to re-establish CTAP with the proposal (**EXHIBIT 13**) that was submitted on December 2, 2005, to the Budget Office for consideration. He said that he was informed that they will hear from the Budget Office

in May or June regarding their decision on whether or not to reinstate a CTAP. MR. COLE talked about the Water, Wastewater and Solid Waste Action Coordinating Team (**EXHIBIT 14**). He said that this group spawned another group called the Housing Coordinating Team which includes federal and state housing agencies, including Commerce, the Board of Housing, USDA Rural Development, Fannie Mae, Neighborhood Housing Services out of Great Falls. They see the same concerns, same issues about the effectiveness of our planning, land use regulation laws that keep coming up.

JOHN HORWICH, Professor and Director the Land Use Clinic, University of Montana School of Law, said that there is agreement about the unmet need for technical assistance and planning assistance to local communities, and that they all share the mission of trying to find the best way to provide that service to local communities. Professor Horwich discussed his document, Planning Assistance for Montana Local Governments (**EXHIBIT 15**) and his Land Use Clinic.

QUESTIONS

REP. SONJU asked Mr. Cole what the budget was for the CTAP program in 2003. MR. COLE said that it was in the range of \$225,000. REP. SONJU asked if the \$225,000 included the same FTE and same operating budget as the proposal. MR. COLE said that there was 1/2 of the program support FTE. He said that in putting together this proposal, he went to his support staff in the division and asked if they thought they could absorb costs among the existing staff and not have to ask for additional FTE and they said that they were willing to give it a try. He said that the other cut was in printing costs.

REP. SONJU asked if Mr. Cole knew whether Evan Barrett was in favor of this program being reinstated. MR. COLE said that he didn't state whether he was pro or con. He said that he understood that the Governor had met with the planners and had told them that he would try to reinstate the program at some level. REP. SONJU asked if the program could be reinstated within the Governor's current budget. MR. COLE said that this is his initial proposal that went to the Governor's Office of Budget and Program Planning; they met with the Budget Director and his staff on January 17; they were one of the first state agencies he met with that offered up new budget proposals; and that there was no commitment.

REP. SONJU asked Professor Horwich if he had a ballpark figure in regards to his budget. PROFESSOR HORWICH said that he is looking at about \$320,000 a year with the caveat that the figure would need some refinement.

TAPE 2B

REP. NOENNIG asked how many planning professionals are in the state, how many need

actual assistance because they don't know how to do it, and how many need continuing education. MS MCGILL said that she could not give an exact number of how many jurisdictions have planners. Part of the problem is that many jurisdictions that don't have planners contract for planning services, and who they contract with is difficult to follow because they don't have to report, don't have to register with the Montana Association of Planners, and don't have any licensing requirements. The Montana Association of Planners established a mentoring program. MAP does regional planning and does hold an annual conference to do training. PROFESSOR HORWICH said that there is a need for a statewide service for education and training to build local capacities.

SEN. GILLAN asked how many members are in the Montana Association of Planners. MS. MCGILL said that there were 125 members, including professional planners, county commissioners, and economic development people.

SEN. GILLAN said that it was her understanding that some states, such as Wisconsin, had both a technical assistance center and state government technical assistance, so the two are not mutually exclusive, that there is just more capacity and overall more planning assistance. Some of it is focused in a university but there are also some state counterparts. PROFESSOR HORWICH said there are some states that do have both, and in Indiana, the state funds the university program. There are a variety of models. He said that one of his concerns is that we have a very limited budget and just don't know how many ways we can split it to effectively provide the service.

SEN. GILLAN said there is a possibility that the two programs wouldn't necessarily have to duplicate each other but that they might actually be complimentary. One of her concerns about the function housed exclusively in the law school is that there would be overemphasis on legal as opposed to the other non-legal planning issues which have also been identified. PROFESSOR HORWICH said that one of the differences is that it would not be housed with the law school as is the university program and not be a function of the law school; rather, it would be a university center.

SEN. GILLAN asked each member of the panel what level of technical assistance the state needs based on this survey and their knowledge. PROFESSOR HORWICH said that he would like to see the program provide individualized onsite service. He said that if he had the staff that he wanted, he could do the work that they are proposing on a statewide basis as well as make reasonable services available to communities in need. MS. MCGILL said that she would like to meld the two proposals. She said that technical assistance needs to come from the state and it needs to be a function of the state. She didn't think that the state could have economic development without having good planning. We don't have areas for businesses to grow without good planning and infrastructure development. In addition to a state government program, she would like to have something housed in the law school or out of the initial

government's reach that had another attorney and two to three planners. She would like to see a program where the state did the technical answers to the questions and the university provided more of the assistance where they wrote the documents, wrote the models, and helped with training. MR. COLE said that he thinks one attorney initially would be sufficient, with 2 to 3 planners to provide more direct assistance. His goal in his proposal was the barebones alternative, to get into the business and then document the demand and the need so that they could go back to the Legislature to get more resources in the future. We can go to the planner's conferences and put on planning sessions but how do you assist the lay planning board member who is already busy. It's not just growth management, it's not just subdivisions, we have half of the state that is not growing. We should change the term "growth policy" and replace it with "comprehensive plan" because it seems like our focus all gets onto subdivision regulation.

SEN. GILLAN said that she was trained as a planner in New York and there was both statewide technical assistance as well as the urban planning program that provided much of the same that the center at the University of Montana would provide. She said that she would encourage to have a plan to would meld both because she sees the state as providing the technical assistance on what is already in the codes and what has been passed; she sees the University as providing some of that assistance but also the opportunity to do some research into the issues that the committee is struggling with.

SEN. LAIBLE asked Professor Horwich if there are any costs to communities for the subdivision regulations model. PROFESSOR HORWICH said the Land Use Clinic doesn't charge for their services. SEN. LAIBLE asked Mr. Cole or Professor Horwich if they envision no cost to counties or entities that would ask for technical assistance, or would they operate as an enterprise fund. PROFESSOR HORWICH said his proposal does not include charging a fee. MR. COLE said that he didn't think the calls would come if they charged a fee for the service and communities and local governments would continue to muddle through as they do now.

SEN. LAIBLE asked Ms. McGill if the problem in planning is that there isn't any information available, or there isn't any information or services provided for free to communities, or there isn't sufficient funding in local governments to access those services and that expertise that they require. MS. MCGILL said that there is not much information available. She said that she doesn't think that anyone is necessarily wanting the information for free. In fact, when you look at the model subdivision regulations and the creation of them, while the Law School has provided a very good outline that we are working from, she would also like the committee to keep in mind that the Montana Association of Planners, the Montana Association of Counties, the Montana Association of Realtors, and the Montana Smart Growth Coalition are also providing staff time, and aside from me, the other three persons are paid. So their constituents are paying, these are not free. The information is not available, the training is not readily available, we are so spread out it's difficult for that flow of information. She also thinks that it's a

lack of professional knowledge and professional expertise. SEN. LAIBLE asked if she is saying that counties or local entities would be willing to pay for a service if that service was available. He asked if there would be a market for that. MS. MCGILL said that she didn't know if there would be a market for that. She said that planners would probably call someone like her who would not charge anything and she would help them. That is what is happening right now. Jurisdictions could hire attorneys that specialized in land use law. She said that she doesn't think there would be a market because people would continue to muddle through, do the best they can with what they have.

SEN. LAIBLE said that the reason he comes back to this is because he believes that services provided have a cost. Some jurisdictions are developing regulations and are trying while others haven't done anything because others take the lead and pay the costs. He said that he doesn't think it is the lack of expertise as much as a lack of funding. There is a lack of funding for local governments to get ahead of the curve. He thinks the need is there and the counties, if they had the funding, would be able to do that. He wants local governments to have local control on how they spend their money, and those that don't want to spend it on planning because they aren't growing should be able to spend money on economic development.

PROFESSOR HORWICH said it's a good point and it depends on the type of service we're talking about. Regarding model subdivision regulations, we could either have 56 counties and 150 municipalities each hiring private counsel to advise them on how to change their regulations, what is meant by subsequent hearing, what is meant by amended application, etc., and each jurisdiction can spend money to do that, which in the aggregate, would be far more expensive than the state saying we will provide you with a start and we will do it once, and each of you can begin with that and customize it. That saves the communities a great deal of money.

DAVID COLE said that the generalized assistance that CTAP was providing, having the handbooks and the attorney answering questions, is an efficient use of resources and you have a lot of local governments out there that are at that point where they don't have enough development activity to justify bringing on a full-time planner, but they are still stuck with a periodic subdivision coming through. For the most part, what we are talking about is an efficient use of resources relative to the benefit that's derived for the general public.

TAMMY MCGILL said she does agree that it is not just the resources but is a lack of funding. The proposals for technical assistance is the best use of our money so that we have one publication that everyone can follow statewide, take what they need, and through local control, they can determine what portions of those resources that they use.

PUBLIC COMMENT ON SJR 11

There was no public comment.

HJR 10 STUDY OF FIRE STATUTES AND WILDLAND URBAN INTERFACE

LEANNE KURTZ gave an update on the HJR 10 (**EXHIBIT 16**).

QUESTIONS

SEN. LAIBLE asked if the goal is to have legislation. MS KURTZ said that legislation is the primary goal. Many of the statutes have not been amended since the 40s, if not before. The second goal is to institute a state fire policy that would be incorporated in the legislation.

SEN. LAIBLE asked Mr. Oppel, Montana Association of Realtors (MAR), if MAR has concerns about approved construction techniques mitigating fire hazard to structures or limiting subdivisions. MR. OPPEL said that they did discuss this with their legislative committee and they are concerned with that particular section. He said that MAR brought up a SB 456 in the 2005 Session and their concern is, who has the authority to regulate development in wildland urban interface for the purpose of fire suppression. He said that they did not think it was clear in the statute. MAR's concern is also having building codes come into the subdivision regulations because it creates uncertainty for development. Another concern is taking the fire protection guidelines that were put together and then encouraging local governments to adopt those into their subdivision regulations. The guidelines may be good in so far as maximizing the protection of a home, but as far as regulations and this one size fits all approach, it can be problematic.

TAPE 3A

PUBLIC COMMENT

HAROLD BLATTIE said that the model regulations for airport zoning are up on MACo's website. He passed out a copy of the regulations (**EXHIBIT 17**).

OTHER COMMITTEE WORK

SEN. GILLAN asked if there would be another effort to get people to fill out the planners survey.

MS. KURTZ said that Tammy McGill has the email access to the people that they need to reach regarding the survey. She said that if they give some of those jurisdictions some more time, they can get more information.

MS. KURTZ said that this subcommittee's next meeting will be June 12.

ADJOURN

SEN. LAIBLE adjourned at 4:30 p.m.

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