MACo Policy Book
Montana Association of Counties

2022-2023

Adopted by Membership
113th Annual Conference
September 28, 2022
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What does MACo do, Legislatively?


The Montana Association of Counties is one of the oldest organizations in Montana. Organized in 1909, MACo today works to anticipate rapidly changing and complex challenges facing Montana’s 56 county governments. MACo’s staff provides county elected officials with research, training, and technical support and services, monitors legislation and works with state agencies, legislators, and the Executive Branch in helping shape public policy.

One of the primary ways we shape policy is through our resolutions process. What is a resolution? Glad you asked. Continue reading below...

Everything About MACo Resolutions

First, the short story . . . (i.e., “the synopsis”)

A MACo Resolution is a written motion that is beneficial to county government and is adopted by a deliberative assembly made up of MACo members. A resolution proposes to amend the law to solve a problem; it essentially becomes legislation. (Several examples can be viewed above under our “2023 Legislative Package.”)

MACo members are the elected officials of counties that have paid their annual dues in accordance with a schedule of dues or assessments adopted by the MACo Board of Directors and ratified by the membership. Each member county has one vote at membership meetings of the Association.

A MACo Resolution is adopted at the MACo Annual Conference or special meetings; legislation is then drafted by staff and the MACo Resolutions & Legislative Committee for the adopted resolutions. This committee also assists staff in securing of sponsorship for the legislation.

MACo will present and promote legislation which county officials believe to be beneficial to their citizens, the counties, and the state as whole (sometimes even the State—capital “S”). MACo will oppose legislation which county officials believe to be detrimental thereto.

But we’re getting ahead of ourselves. Let’s start from the beginning. Click through the links below to journey through our legislative process from the very beginning...Midwinter Conference.

The Process

Step 1: Midwinter Conference
(February Preceding the Legislative Session Year)

MACo Committees Convene

The Policy Committees meet to review their policy statements for additions and/or amendments at the Midwinter Conference preceding a legislative year. During this time, they may also consider and
prepare committee resolutions reflecting committee actions and positions being recommended for the entire association. MACo members are encouraged to attend MACo Committee Meetings and participate in the process. These resolutions will be reviewed by the membership as a whole for possible adoption at the following Annual Conference, which also precedes the legislative year.

**Step 2: District Meetings**  
(Spring/Summer Preceding the Legislative Session Year)

Resolutions can and should originate at the county level for presentation at the district meetings preceding a legislative year. Each resolution should be accompanied by statements of the problem being addressed and the proposed solution. This should include statutory references and language revisions where possible as an additional document to the resolution. They may be submitted by a member, one or more counties, a single district, or multiple districts.

**Step 3: Resolutions & Legislative Committee**

After the Spring/Summer District Meetings and prior to the Annual Conference, the Resolutions and Legislative Committee, working with the MACo staff, shall attempt to consolidate similar resolutions with the consent of the originating sponsors. The committee will also identify a primary sponsor/spokesperson and refer the resolutions to their most appropriate MACo Committee for vetting and recommendations to the membership.

It is to be noted that the Resolutions Committee may propose resolutions based upon inquiries from members and/or affiliates.

**Step 4: Notice**

A summary of the various resolutions shall be posted to MACo’s website and distributed to all member counties digitally prior to the annual conference.

**Step 5: Annual Conference**  
(September Preceding the Legislative Session Year)

Late, urgent, or extraordinary resolution addresses an issue that threatens the health, welfare, and/or safety of the public or the counties’ resources/ability to provide necessary services and was not known prior to the Annual Conference. These resolutions may be considered at the Annual Conference if approved by the Board of Directors at their meeting prior to the Annual Conference for presentation on the floor at the general session of the Annual Conference. Such resolutions must be presented in writing, in easily read and understandable form, and in adequate numbers for general circulation. These resolutions may be mailed to MACo for submission to the Board of Directors prior to the Annual Conference. Any resolutions submitted to the Board will be considered and comments and recommendations will be made for presentation to the general assembly. In addition, the Board may, at any meeting with a quorum present, adopt resolutions pertaining to the policy or position of the Association.
MACo Committees will meet during the Annual Conference to review assigned resolutions. They will develop recommendations to amend, drop, incorporate into policy statements, and/or refer to the membership for consideration. They will also make final adjustments to their policy statements for consideration by the membership. All MACo members are encouraged to attend MACo Committee Meetings and participate in the process. Other affiliated elected official associations are also encouraged to participate in the resolutions process.

During the Annual Membership Meeting, the Resolutions Committee Chair will introduce all resolutions in their priority groupings and acted on as a whole. Any delegate may call for a resolution to be segregated from the group for consideration in regard to amendments and/or to change the committee’s recommendation. Each resolution that is segregated will be debated separately.

**Step 6: Council of County Officials Meeting**

To ensure communications on legislative issues, MACo sponsors a meeting of the Council of County Officials specifically to share and discuss legislative issues, following the Annual Conference.

**Step 7: Sponsorship Responsibilities & Legislative Session**

After the Annual Conference, resolutions begin to become bill drafts, with the help of the resolution sponsors. Resolution sponsorship begins at the district meetings, with the introduction of a resolution, and extends through the legislative session.

The legislative responsibilities of a sponsor include working with the assigned MACo committee and the staff to prepare testimony for the sponsoring legislator, supporting “public” testimony from local officials during the hearing phases of the bill, and to generally help monitor the legislation’s progress.

All testimony should be directed at why the bill is necessary and how it will affect local governments. Indications of or suggestions that what is being sought is special legislation should be avoided to the extent possible. Success can best be assumed when local officials are present and testify; everyone is encouraged to participate. MACo will make every effort to afford everyone with ample notice of hearing schedules and scheduled floor debates; however, it should be noted that in some instances it may be impossible to predict the timing of hearings and floor debate, especially toward the end of each session.

The goal will be to demonstrate broad general support for MACo legislation. To do this it is necessary to have a participatory process, and everyone is encouraged to “be prepared to be present.”

**WHAT ARE MACo POLICY STATEMENTS?**

A “Policy Statement” provides guidance to MACo staff, while also informing legislators and the public, on MACo’s position regarding possible legislation and/or issues that may arise during a legislative session and/or the Interim. The document linked below contains a number of various statements organized by MACo’s ten policy committees.
Our legislative process is structured around the participation and involvement of all member counties. The policies are maintained by specialized committees and are voted on by the membership during MACo Annual Conferences (on pre-legislative years).

**MACo Committees**

MACo’s Policy Committees are essential to our Association’s operation, as they represent the interests of the members. They have the important duty of helping to set policy for the organization that helps guide MACo Staff on legislative matters.

Members who would like to serve on a committee are given the opportunity to submit their interests during and after the Annual Conference in September each year. MACo’s President then makes appointments prior to January 1st so committees can plan for their first meetings at the Midwinter Conference in February.

- **Agriculture Committee**
- **Community, Economic Development & Labor Committee**
- **Conference Planning Committee** (Not a Policy Committee)
- **Energy Committee**
- **Health & Human Services Committee**
- **Justice & Public Safety Committee**
- **Land Use, Planning & Development Committee**
- **Public Lands Committee**
- **Resolutions & Legislative Committee**
- **Tax, Budget & Finance Committee**
- **Transportation Committee**

**Quick Note About County Coalitions**

County Coalitions are not MACo Committees

MACo Committees are not to be confused with the County Coalitions. Most of the Coalitions have articles of incorporation filed with the Secretary of State’s Office and bylaws by which they abide.

Even though the coalitions were organized and operate outside of MACo, we have historically offered space at our conferences for them to convene for cost-saving purposes. County Coalitions include (but are not limited to) the following:

- Montana Association of Hard Rock Mining Counties
- Montana Association of Oil, Gas & Coal Counties
- Montana Association or Reservation Counties
- Montana Coalition of Forest Counties
• Six-County Fort Peck Lake Group
• Wildlife Counties

But what about the Urban Counties?
The Urban Counties Coalition IS a MACo construct, as per the bylaws (confusing, we know):

*The Urban County Representative holds a seat on MACo’s Executive Committee and is filled by appointment by the President subject to a recommendation made by a majority of the Urban Counties.*

*A county having a taxable value of over $50,000,000 and a population of over 35,000 shall be designated as an Urban County. The Urban County Representative shall consult with, counsel, and advise the President. The current Urban County Representative shall call a caucus of the Urban Counties during the annual conference for the purpose of selecting an Urban County Representative.*

**RESOLUTION SPONSORSHIP RESPONSIBILITIES**

(And the Legislative Session)

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The goal will be to demonstrate broad general support for MACo legislation. To do this it is necessary to have a participatory process, and everyone is encouraged to “be prepared to be present.”
RESOLUTION 2022-01

ALLOW COUNTIES TO ACT AS A CONDUIT FOR FEDERAL FUNDING OF BROADBAND SERVICE TO PRIVATE SERVICE PROVIDERS

It is the intent of the Montana Association of Counties to modify the law to allow counties to act as a conduit for federal funding of broadband service to private service providers.

WHEREAS broadband deployment has become a national priority for commerce, health care, education, and quality of life; and

WHEREAS Montana is among the worst rated states for broadband connectivity in the nation; and

WHEREAS since the 2021 legislative session adjourned, Congress has approved millions of dollars in additional funding to improve broadband access in unserved and underserved areas of the nation; and

WHEREAS some of these federal grants require that a local government entity be the applicant for funding; and

WHEREAS the Montana Code Annotated prohibits Government competition with private Internet service providers except in a very narrow set of exceptions (MCA 2-17-603); and

WHEREAS the afore-mentioned prohibition precludes Montana local governments from applying for federal grants to finance broadband infrastructure; and

WHEREAS the 2021 Montana Legislature approved an exception that allowed local government to utilize ARPA funding to assist local service providers in expanding broadband coverage in Montana.

NOW, THEREFORE BE IT RESOLVED that that the Montana Association of Counties will seek legislation to add an exemption to MCA 2-17-603 allowing local governments to act as a funding conduit on all federal grant opportunities. Local governments would still be subject to the same operating prohibitions as an internet service provider.

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RESOLUTION 2022-02

CLARIFICATION OF MCA 7-5-121

It is the intent of the Montana Association of Counties to clarify that MCA 7-5-121 does not apply to land use authorities or limit the enforcement of land use zoning regulations.

WHEREAS MCA 7-5-121(2) states that Resolutions may not:
   (a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;
   (b) deny a customer of a private business the ability to access goods or services provided by the private business;

WHEREAS the legislature codified House Bill 257 in 2021 into MCA 7-5-121(2) in response to the covid pandemic; and

WHEREAS the intent of the bill sponsor was for this to prevent mask mandates and vaccination requirements from interfering with a customer’s access to businesses; and

WHEREAS the bill sponsor has stated it was not to apply to land use regulations; and

WHEREAS application of this statute to land use regulations is detrimental to counties and removes enforceability of long-standing zoning districts.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to clarify that MCA 7-5-121 does not apply to land use authorities or limit the enforcement of land use zoning regulations.

Sponsor: Gallatin County

Referred To: Health & Human Services Committee (HHS); and Land Use, Planning & Development Committee (LUPD)

Adopted: Annual Conference – September 28, 2022
RESOLUTION 2022-03

CLARIFY THAT STATE AND COUNTY UTILITY CORRIDORS, EASEMENTS, AND RIGHTS-OF-WAYS MAY BE UTILIZED FOR BROADBAND DEPLOYMENT

It is the intent of the Montana Association of Counties to clarify laws pertaining to the State of Montana, city and county road easements, utility corridors, and rights-of-way in such a way that they may be utilized for broadband deployment.

WHEREAS broadband deployment has become a national priority for commerce, health care, education, and quality of life; and

WHEREAS Montana law does not specifically reference that easements, utility corridors, and rights-of-ways can be utilized for the deployment of non-regulated broadband access through fiber or other technological methods; and

WHEREAS this lack of specificity has led to the interpretation that these easements, utility corridors, and rights-of-ways are not available for use by non-regulated broadband providers.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek legislation to clarify the law by expressly authorizing the use of easements, utility corridors, and rights-of-ways for the deployment of broadband capability regardless of whether these access rights are held by the State of Montana, a city, town, county, and/or dedicated to the public.

SPONSOR: CASCADE COUNTY

REFERRED TO: TRANSPORTATION COMMITTEE; AND COMMUNITY, ECONOMIC DEVELOPMENT & LABOR COMMITTEE (CEDL)

ADOPTED: ANNUAL CONFERENCE – SEPTEMBER 28, 2022
RESOLUTION 2022-04

EXPENDITURE OF FUNDS GENERATED FROM MARIJUANA TAX

It is the intent of the Montana Association of Counties to require funds obtained from the marijuana tax—currently distributed to Montana Fish & Game to purchase habitat—be spent in the county where the tax is generated or for the benefit of counties in general.

WHEREAS the State distributes funds generated from the marijuana tax to the Montana Fish & Game for wildlife habitat; and

WHEREAS MCA 87-1-242(3) and MCA 87-1-209 requires the funds go to Montana Fish & Game to purchase land or easements for habitat; and

WHEREAS the counties want the funds expended in the county from which the tax was generated or for the benefits of counties in general.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to require the Montana Fish & Game to expend funds generated from the marijuana tax in the county from which it was generated or for a use that is of benefit to counties that is not purchase of land or easements for habitat.

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RESOLUTION 2022-05

INCLUSION OF PUBLIC STORMWATER INFRASTRUCTURE AND COUNTY-OWNED PARKS IN MUNICIPAL ANNEXATION

It is the intent of the Montana Association of Counties to clarify laws pertaining to the inclusion of public stormwater infrastructure and county-owned parks in municipal annexation so as to create consistency, better meet the objectives of public land management in various jurisdictions and serve the best interests of the public.

WHEREAS MCA 76-3-621 requires parks be dedicated to the public during the subdivision process; and

WHEREAS MCA 7-2-4211 requires that all “parks created pursuant to Title 76, chapter 3” shall be included in the annexation processes; and

WHEREAS MCA 7-2-4211 further states that “county-owned parks” are excluded from the requirement to be included in annexation processes; and

WHEREAS the distinction between “parks created pursuant to Title 76, chapter 3” and “county-owned parks” has led to inconsistent and unclear application of MCA 7-2-4211 throughout the state; and

WHEREAS the provision of parks created pursuant to MCA 76-3-621 is best provided by county governing bodies when situated outside of municipal jurisdictional limits and best provided by municipal governing bodies when situated inside of municipal jurisdictional limits; and

WHEREAS the provision of parks created pursuant to MCA 76-3-621 is thwarted by inconsistent application of existing state law; and

WHEREAS the maintenance of public stormwater infrastructure is necessary for the protection of water quality, compliance with federal Clean Water Act regulations, Municipal Separate Stormwater System (MS4 permitting) mitigation of flood risks, and to reduce the erosive impacts of stormwater on roads and streets; and

WHEREAS the construction of public stormwater infrastructure is integrated with the construction of public roads and sidewalks and may be placed adjacent to public roads and sidewalks in right-of-way or other publicly controlled lands or easements; and

WHEREAS it is necessary for a governmental entity to manage and maintain public roads and rights-of-way in close conjunction with public stormwater infrastructure.
NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to revise MCA 7-2-4211 to clarify that all parks created pursuant to MCA Title 76, chapter 3, part 6 shall be transferred to the municipality undertaking the annexation except for those expressly excluded from transfer by a county; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek to further revise MCA 7-2-4211 to clarify that public stormwater infrastructure, including associated public land and easements, shall be included in annexation.
RESOLUTION 2022-06

LIMIT MUNICIPAL HEALTH BOARD JURISDICTION TO MUNICIPAL BOUNDARIES

It is the intent of the Montana Association of Counties to seek legislation that limits the jurisdiction of municipal boards of health to within the city or town limits.

WHEREAS MCA 7-31-4101 provides that a city or town has the power to provide for a board of health; and

WHEREAS MCA 7-31-4101 further provides that a city or town has the power to prescribe the board’s powers and duties; and

WHEREAS MCA 7-31-4101 continues further, that when such a board of health is provided, for the same to have jurisdiction within the city or town limits and within 3 miles thereof; and

WHEREAS MCA 50-2-104 provides that there is a county board of health in each county; and

WHEREAS the 3 miles outside of a city or town’s jurisdiction falls within the county’s jurisdiction creating a governing overlap.

NOW, THEREFORE BE IT RESOLVED the Montana Association of Counties believes the jurisdiction outside of the city or town limits is within the county jurisdiction and is thereby subject to county health board governance; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will pursue legislation to remove the extraterritorial 3 miles from MCA 7-31-4101.

Sponsor: FLATHEAD COUNTY
Referred to: HEALTH & HUMAN SERVICES COMMITTEE (HHS)
Adopted: ANNUAL CONFERENCE – SEPTEMBER 28, 2022
PAYMENT OF WITNESS FEES

It is the intent of the Montana Association of Counties to amend laws pertaining to payment of witness fees to compel the State of Montana to reimburse counties for the expenses incurred on the State’s behalf.

WHEREAS Montana’s county attorneys prosecute cases on behalf of the State of Montana; and
WHEREAS the successful prosecution of cases often involves witness testimony; and
WHEREAS MCA 26-2-506(2)(b) requires that counties pay these witness fees; and
WHEREAS MCA 26-2-506(2)(c) states Montana’s Attorney General may reimburse a county for these fees and compensation.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend MCA 26-2-506(2)(c) to clarify that Montana’s Attorney General shall reimburse a county for expenses, fees, and compensation of a witness up to the amount of actual witness expenses.

SPONSOR: GALLATIN COUNTY
REFERRED TO: JUSTICE & PUBLIC SAFETY COMMITTEE (JPS)
ADOPTED: ANNUAL CONFERENCE – SEPTEMBER 28, 2022
RESOLUTION 2022-08

REQUIRE THE STATE OF MONTANA TO COST SHARE COUNTY AUDIT COSTS

It is the intent of the Montana Association of Counties to seek legislation that requires the State of Montana to share in the cost burden of audit fees associated with county audits.

WHEREAS MCA 7-6-609 requires that accounting systems for counties be established according to Generally Accepted Accounting Principles (GAAP) as set for by the Governmental Accounting Standards Board (GASB); and

WHEREAS the Governmental Accounting Standards Board creates a national standard that has become extremely burdensome, ever-changing, and increasingly inflexible; and

WHEREAS MCA 7-6-611 prescribes the role of the Department of Administration (Department) which includes the required filing of an audit within 12 months of the end of the audited period; and

WHEREAS MCA 7-6-611 goes on to indicate that in addition to the audits required by this section that the department may conduct or contract for a special audit or review of the local government entity and charge the local government for the privilege; and

WHEREAS MCA 2-7-505 defines the audit scope and standards; and

WHEREAS MCA 2-7-506 defines the roster of auditors that the Department selects, from which local government may then choose and defines the local government’s criteria for selection; and

WHEREAS MCA 2-7-506 goes on to make the Department a party to the auditing contract, and the contract must be in a form prescribed and approved by the Department, in essence making it the Department’s contract, not the local government’s; and

TO SUMMARIZE, the Department, on behalf of the State, requires the audit, selects the auditors from which the county may choose, is a party to the contract of an audit using rules formed by an organization based in Connecticut, and beyond that can enforce penalties on the local government based on findings of the audit.

NOW, THEREFORE BE IT RESOLVED that local government is no longer being audited for the benefit and protection of its taxpayers, but rather being audited for the Department, on behalf of the State, for the purposes of state control and penalties; and

BE IT FURTHER RESOLVED that because the role of the auditor as a helpful and reasonable inspector of local government finances has in essence devolved into a regulatory enforcement tool rather than a helpful tool to better manage taxpayers’ funds; and
BE IT FURTHER RESOLVED, for all the above reasons, it is the intent of the Montana Association of Counties to seek legislation that requires the State of Montana to pay for at least one half of the cost of its audit of local governments.

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RESOLUTION 2022-09

REVISE HEARING AND APPEAL PROCESS STATUTES AND CLARIFY HUMAN RIGHTS BUREAU HAS NO JURISDICTION TO INVESTIGATE WHERE THERE IS NO ALLEGATION OF A VIOLATION OF RIGHTS

It is the intent of the Montana Association of Counties to seek legislation to streamline the hearing and appeals process under the Human Rights Act by eliminating the Commission for Human Rights and clarify that a filed complaint must be received prior to commencement of any investigation.

WHEREAS the Commission for human rights was created as a quasi-judicial board of five members appointed by the Governor with the consent of the Senate, making it a political body; and

WHEREAS the Human Rights Bureau exists within the Department of Labor and acts as the investigating and initial ruling entity for alleged discrimination; and

WHEREAS the Commission for Human Rights has, by its existence, complicated and unnecessarily bogged down the hearing and appeals process to the detriment of counties; and

WHEREAS cases heard by the Commission are often appealed to District Court as a matter of course, at an extra cost of both time and money to employees and employers; and

WHEREAS the Human Rights Bureau should have clear direction regarding when an investigation may be conducted to avoid instances where investigations appear to be conducted without an actual complaint in hand or conducted on matters outside of jurisdiction.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek legislation that streamlines the hearing and appeal process by eliminating or reducing the role of the Commission for Human rights allowing certain appeals to go directly to District Court; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek clarification through legislation or other means that the Human Rights Bureau does not have jurisdiction to investigate violations when no allegation of a violation has been established and it must first establish that a complaint falls within its jurisdiction.

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REVISE STATUTES RELATED TO ABANDONMENT OF COUNTY ROADS

It is the intent of the Montana Association of Counties to seek legislation to clarify the petition process and acquisition of rights-of-way for county roads.

WHEREAS MCA 7-14-2107, “Acquisition of Right-of-Way,” does not cross-reference the statutory authority for boards of county commissioners to discontinue or abandon rights-of-way; and

WHEREAS MCA 7-14-2603, “Investigation of Request Concerning Road – Decision,” and MCA 7-14-2614, “Record of Road Opening or Alteration to be Maintained,” require a viewing and report by no more than one member of the board of county commissioners and the county surveyor, the latter of which is a position not filled in many counties; and

WHEREAS MCA 7-14-2615, “Abandonment or Vacation of County Roads,” is permitted by order of the board of county commissioners but only in the context of a valid petition; and

WHEREAS “freeholder” is not defined in MCA Title 7 but is defined in MCA Title 70.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek legislation to clarify that discontinuation or abandonment of a right-of-way pursuant MCA 7-14-2107 can only be accomplished by the petition process in MCA 7-14-2601 et. seq.; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek legislation to clarify that, in counties where a county surveyor is not appointed or elected, the county road supervisor shall be appointed to assist with the viewing and report as required in MCA 7-14-2603 and MCA 7-14-2614; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek legislation to clarify that, pursuant to MCA 7-14-2615(1)(c), the “order of the board” can only be issued upon completion of the petition process under MCA 7-14-2601 et seq.; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek legislation to cross-reference the definition of “freeholder” in MCA Title 7 so it shall be consistent with the definition of “freeholder” in MCA 70-15-206.
RESOLUTION 2022-11

STRIKE THE UNCONSTITUTIONAL PROTEST PROVISION IN PART 1 ZONING AND ADD A REFERENDUM PROVISION

It is the intent of the Montana Association of Counties to seek legislation that strikes the protest provision in Part 1 Zoning and adds a referendum provision to challenge a zoning district.

WHEREAS MCA 76-2-101(1) allows for citizens of a county to initiate the establishment of a zoning district by submitting a petition to the board of county commissioners; and

WHEREAS MCA 76-2-101(5) states that 50% of real property owners within a proposed district may protest and effectively block the creation of said zoning district; and

WHEREAS in Rukstad v. Yellowstone County the district court found the protest provision of MCA 76-2-101(5) to be unconstitutional; and

WHEREAS a referendum provision would be an appropriate means to challenge a citizen-initiated zoning district.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties believes the protest provision under MCA 76-2-101(5) should be struck and a referendum provision should be added to the statute for the challenge of the establishment of a citizen-initiated zoning district; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will pursue legislation to strike the protest provision in MCA 76-2-101(5) and add a referendum provision to challenge a citizen-initiated zoning district.

Sponsor: Yellowstone County

Referred to: Land Use, Planning & Development Committee (LUPD)

Adopted: Annual Conference – September 28, 2022
# Policy Statements

## 2022 - 2023

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AGRICULTURE

The importance of agriculture to Montana citizens and the state’s economy can’t be emphasized enough. Agriculture is Montana’s economic underpinning as the largest basic sector of Montana’s economy. MACo is committed to supporting legislation and policy that will positively influence the economic preservation of family-owned and operated farms and ranches.

1. MACo supports federal and state legislation directed at increasing overall economic stability for producers of raw materials (food and fiber) who are entitled to a fair share of America’s prosperity.

2. MACo supports country of origin labeling for fruits, vegetables, meats, and other foodstuffs entering the United States.

3. MACo encourages innovative ways to add value for the producers of agricultural products as a means of economic development.

4. MACo supports uniting all levels of government to combat the spread of noxious weeds, which is rapidly increasing and having a statewide impact on agricultural crop production and is diminishing forage capacity for livestock and wildlife as well.

5. MACo supports research regarding the proper use and application of biocontrol, pesticides, herbicides, and fertilizers as well as research into alternative crop production and innovative uses of technology.

6. MACo encourages efforts to ensure that the quality of Montana grain and livestock is preserved when marketing that product abroad.

7. MACo encourages overall expansion of production and taxing agricultural land based on the value of production.

8. MACo supports promoting land use policies and programs which reinforce private property rights of agricultural landowners and preserve property values. Agricultural management should be the primary land use in areas where operational factors such as productivity, adjacent land uses, and landowners’ objectives are viewed to be conducive to the viability of agricultural production.
9. MACo supports Montana Fish, Wildlife and Parks Commission to set harvest quotas and regulate the harvest of wildlife in a manner that represents biologically sound management of big game population.

10. MACo supports the de-listing of the Gray Wolf as an Endangered Species.

11. MACo believes that the United States Fish and Wildlife Service be required to provide the State of Montana with sufficient funds to properly manage the wolf population in Montana.

12. MACo supports the completion of a Supplemental Environmental Impact Statement to reflect the unanticipated consequences of the re-introduction of Gray Wolves.

13. MACo opposes any action creating artificial boundaries, holding/quarantine facilities, or a “split state” status, which could and likely would threaten the health of the Montana Cattle industry.

14. MACo supports the United States Department of Interior managing the bison population within the boundaries of Yellowstone National Park.

15. MACo opposes the creation of a buffer zone around Yellowstone National Park for the migration of animals.

16. MACo supports that local governments in the counties adjacent to Yellowstone National Park be formally recognized as participating members on the IBMP Committee.

17. MACo supports the maintenance of all the Farm Service Agency offices in Montana.

18. MACo supports expanded scientific data collected from county weather monitoring stations in addition to National Weather Service data for determining disaster declaration and the implementation of Farm Service Agency programs.

19. MACo supports increased funding for advanced degrees and programs in veterinary science throughout Montana’s institutions of higher learning.

20. MACo supports protecting communities, local businesses, and government from unnecessary restrictions due to listing of the Greater Sage Grouse under the Endangered Species Act (ESA), as MACo believes that the listing of the Greater Sage Grouse has absolutely no merit.
21. MACo believes that the petitioning of species for listing or removing and revising critical habitat can be done only by the state recognized wildlife management agency in which the native species in question exists or strong documentation that it historically existed in such state. Quantifiable recovery levels for delisting must be identified at the time of listing.

22. MACo supports the creation of local Drought Advisory Committees in every county.

23. MACo supports adequate funding for essential cooperative extension service positions.

24. MACo supports a permanent fund for the control of aquatic invasive species that does not divert terrestrial noxious weed funding.

25. MACo supports legislation that ensures adequate funding for county weed districts and reservations to enhance their terrestrial noxious weed management programs.

26. MACo supports the biocontrol of noxious weeds as well as a timely and reasonable review system for the biological weed control agents to help reduce the negative impacts of invasive weeds in Montana and North America.

27. MACo supports discussing agriculture policy issues with the Montana Department of Livestock.
COMMUNITY, ECONOMIC DEVELOPMENT & LABOR

MACo is committed to assisting counties in the worldwide transition to a global economy by adapting to the changes in technology, infrastructure, workforce development, marketing, and business development.

1. MACo supports and assists in both establishing and strengthening partnerships between our governments at all levels, our schools and universities, both public and private, and the private sector to achieve the common goal of a healthy economy and future development opportunities.

2. MACo believes that telecommunications, transportation, rural water, and wastewater systems, as well as workforce transformation and development needs must be addressed to allow counties and their citizens to compete and share in our nation’s prosperity.

3. MACo believes that telecommunications infrastructure, particularly broadband data communications, can neutralize both major barriers to rural economic growth (distance and lack of economies of scale—smaller market sizes) and level the competitive playing field.

4. MACo is committed to assisting counties in their efforts to provide competitive and available transportation for moving products to market, located in or out of state.

5. MACo is committed to the expansion of a variety of tools, which are currently provided by state law to municipal governments, to include use by the county governments of Montana. These tools assist in the development of infrastructure that is essential to economic development opportunities. Of importance to MACo is the simplification and expansion of Tax Increment Financing opportunities for counties.

6. MACo believes that Montana’s tax structure must not be allowed to serve as an obstacle to economic growth by placing unfair burdens on any one sector of taxpayers.

7. MACo believes that economic development must begin at the local level and involve the entire community. Local governments need to continue to support existing businesses’ efforts to compete in the new economy and encourage new business development. This can be done by:

   a. Supporting existing or new economic development corporations, either on a local or regional basis; and
b. Supporting efforts to stimulate the growth of venture capital and venture capital undertakings, specifically as they relate to value-added businesses and increasing the use of tax increment financing, industrial development bonds and state funded economic development programs at the county level.

8. MACo supports the continuance of existing Montana economic development programs included in MCA 15-35-108 and identified by the Montana Economic Developers Association (MEDA) as critical to Montana’s competitiveness. MACo also encourages the development, by MEDA and with participation from MACo, of a long-term strategy for Montana that includes analysis of the existing programs and opportunities for improvement.

9. MACo is committed to the exploration, development, and responsible use of Montana’s natural resources for economic development.

10. MACo believes that our schools and universities are important to economic growth and development and will continue to assist counties in their efforts to be a part of the public discussion to determine funding levels for education. The goal must be to arrive at a funding level that maintains a strong educational program that supports not only K-12 but also learning for life opportunities without requiring service cuts in other essential government services. We place value on training programs designed for the available job market and on efforts to remove the remaining obstacles to the transfer of post-secondary credits between the full range of Montana’s post-secondary educational facilities.

11. MACo endorses a partnership between local elected officials and the various state and federal programs, which provide workforce training and affordable workforce housing.

12. MACo is committed to assisting counties with their land-use planning activities that include community growth plans, which address maintaining and preserving a healthy downtown and main street, the historic character of the community, open space, outdoor recreational activities such as hunting and fishing and growth development plans.

13. MACo supports the exemption of Federal Funds that flow through state agencies from any Statewide Cost Allocation Plan.

14. MACo supports continued long-term operations of existing U.S. Post Office and sorting facilities in communities across America.
15. MACo supports legislation that will provide counties and municipalities with adequate, up-front, impact funding to alleviate the demands on county and municipal services intensified by natural resources activity, so already stressed taxpayers will not suffer loss of services. MACo believes that the source of funding for this effort should not affect the current severance payments made to producing counties.

16. MACo supports requiring county participation in any decisions surrounding abatement of county property taxes or other county taxes. Tax abatements can be a critical tool in attracting investment into counties, but tax abatements and the projects requesting them have varying impacts at the local level and thereby local officials should be integral in the decisions surrounding them.

17. MACo believes that responsible mining is a cornerstone of Montana’s economy and passage of laws that unduly and negatively impact mining operations or encourage unnecessary litigation will harm the economic interests of Montana communities.

18. MACo believes that changes in permitting processes or rulemaking necessary to address environmental concerns associated with mining activity are better done in an open, participatory, public process where meaningful public input can be considered when making decisions impacting this vital component of our economy.
ENERGY

1. MACo seeks a comprehensive and integrated approach to an energy policy that balances increased domestic oil and gas and coal production on public and privately-owned lands.

2. MACo seeks a comprehensive and integrated approach to an energy policy that accelerates development, research and incentives for alternative and renewable energy efficiency programs, and clean coal technologies.

3. MACo seeks a comprehensive and integrated approach to an energy policy that gives local governments a central role in formulating environment, energy, and land use policies.

4. MACo seeks a comprehensive and integrated approach to an energy policy that continues energy conservation programs that reduce consumption and encourage efficient energy use.

5. MACo supports state and federal funding and other incentives to promote research, explore the interrelationships among energy, capital, labor, and materials, and the technological problems of energy systems. Federal research efforts should be broad-based, unbiased, and equitable among the various energy technologies, with the results of the research being disseminated by all levels of government and the private sector through a variety of public education technologies.

6. MACo believes that state and federal governments should work with local governments.

7. MACo supports nuclear power as a component of a comprehensive energy program. MACo encourages the continued research, improvement and development of nuclear power and related technologies that add to its safety and efficiency.

8. MACo supports the siting and permitting regulations of new renewable/alternative energy projects to remain at the county level of government.

9. MACo supports legislative and/or budgetary relief that speeds the permitting and siting process for new transmission lines, pipelines, coal mines, oil wells, and other natural resource development through regulatory agencies, in cooperation and coordination with impacted counties.

10. MACo believes all energy programs should be periodically reviewed and analyzed for efficiency and effectiveness in achieving their goals. Programs that are found to be ineffective or inefficient should be reengineered in collaboration with county, state, and other local governments.
11. MACo supports an increase in fueling infrastructure stations to support the promotion of AFVs.

12. MACo supports the Department of Energy’s efforts to decrease reliance on foreign oil by focusing on alternative fuels such as ethanol, methanol, compressed natural gas, electricity, and biodiesel, among other agents. The ethanol used in E-85 is a renewable fuel that provides benefits to American farmers and rural areas of the country.

13. MACo supports increased fuel economy for trucks and cars to reduce fuel costs and air pollution that are economically feasible.

14. MACo supports counties retaining full authority over their own rights-of-way and recovery costs for their use.

15. MACo supports recognition of electrical, geographic, and institutional differences such as the western and eastern electrical grids having different features and challenges.

16. MACo supports DOE and state utility commissions continuing their important role in ensuring that all consumers can count on the long-term integrity, safety, and reliability of their electricity service.

17. MACo is in support of the use of Montana highways being used for the transport of goods and services including large loads deemed safe and proper by the Montana Department of Transportation (MDT) in their permitting process.

18. MACo supports dialog between county officials before taking legal action that causes adverse economic impacts on other counties.

19. MACo supports an energy policy that provides economic incentives to reduce greenhouse gas emissions through innovation technology awards and research and development and opposes any legislative or regulatory proposals, such as a cap-and-trade system or carbon tax that would pass direct and indirect costs and/or taxes onto counties, consumers, and businesses.

20. MACo supports efforts intended to mitigate impacts caused by lost revenue by the closure of natural resource entities.

21. MACo supports the development of new U.S. natural resource export facilities and will encourage the Montana Legislature and Attorney General to support the same.

22. MACo supports efforts to ensure the solvency and longevity of the Montana Coal Endowment
Program (formerly known as TSEP) as a source of revenue for county government.

23. MACo supports efforts to encourage development and expansion of Montana’s diverse energy sector when done in collaboration with county governments.

24. MACo supports infrastructure development for alternative fuel vehicles.

25. MACo supports a method of receiving road usage taxes on electric vehicles.

26. MACo opposes to the reduction of base load power, including hydro, coal, gas, and other power supply plants.

27. MACo believes that reliable, non-intermittent base load as part of a mix of power supply is important and supports preserving a mix of base load energy including hydro, coal, natural gas, and others retrofitted to be lower emission and higher efficiency.
HEALTH & HUMAN SERVICES

MACo supports the progressive broad definition of health, education, and human services with emphasis on interdependency of programs. Governments are the primary providers of basic human services, and public health to protect and enhance the lives of citizens.

1. MACo supports the concept of flexibility of administration and local control of health, education, and human services programs, in order to provide the most efficient service to Montana citizens. MACo believes that county agencies, public health and environmental departments must be involved in the planning and development of health and related services, as the counties are providers of public health and medical care.

2. MACo supports the Montana Public Health Improvement process in its effort to strengthen the prevention programs and to focus resources on health threats determined to be priorities in communities and the state.

3. MACo supports efforts that will raise public awareness about the importance of local public health departments’ preparation for National Public Health Accreditation, thereby supporting a strengthened public health system for the state.

4. MACo supports local public health departments in their efforts to improve and protect the health of every community by advancing strategies that strengthen the foundation, quality, and performance of local public health departments, and for the State to provide adequate state funding for public health services that do not reduce county revenue sources.

5. MACo supports the Montana Indoor Clean Air Act, and vaping should be included in the definition.

6. Many human service programs originate at the state or federal level, and counties are directed to implement them. Therefore, counties should be fully reimbursed for the cost of services mandated by state or federal programs.

7. MACo supports the need for the Legislature to define serious mental illness in conjunction with the custody of the mentally ill. Further, there is an urgent need for the Legislature to provide financial assistance relative to the seriously mentally ill.

8. MACo opposes any privatization of DPHHS eligibility determination programs, unless it can be demonstrated that privatization can be efficient and cost effective.
9. MACo believes the ability of families to care for their own must be ensured and safeguarded by society. If the parents fail, it is society’s responsibility to provide for alternative arrangements which are permanent, and which meet the child’s physical, mental, and emotional needs. Childcare services are critical to the protection and developmental needs of children. Licensing, monitoring of providers, information and referral, and assistance in selecting appropriate care should be available to all without regard to income or resources.

10. MACo supports providing adequate funding to chemical dependency treatment programs and drug treatment courts throughout the state and in the jail and prison systems.

11. MACo supports efforts to increase public health inspection fees to reduce the property tax subsidy of the inspections and reimburse the actual cost of performing inspections.

12. MACo supports increasing Federal and State funding to maintain community-based long term care facilities, due to the crisis facing these facilities.

13. MACo supports the Board of Medical Examiners providing Montana first responder volunteers with convenient testing venues in order to complete testing and certification requirements in a reasonable time frame with minimal travel at their own expense.

14. MACo supports the presumptive eligibility programs through the Montana Department of Public Health & Human Services.

15. MACo believes that all Montana Public Schools participating in the USDA School Food Program must be in compliance with Montana Rules for Food Service Establishments within all County School District’s Public School Food Service Establishments according to Montana Law, prior to receiving USDA support.

16. MACo supports Medicaid Expansion as long as there is sufficient federal and state funding to support the expansion with adequate means test in order to be eligible, and basic coverage only.

17. MACo supports providing adequate state funding for comprehensive community-based Behavioral Health Services.

18. MACo supports improved and increased crisis services for children and adolescents and improvement of the transition of services for children aging into the adult system.
19. MACo supports the work of, and adequate state funding for, community crisis centers to provide community-based services and efforts to divert the mentally ill from jail.

20. MACo supports adequate funding to address human trafficking.

21. MACo supports continuing the dialog and pursuing the prevention of sexual abuse in families.

22. MACo supports efforts to improve the prevention of physical and emotional abuse.

23. MACo supports the suspension of Medicare/Medicaid benefits during prison incarceration rather than discontinuation of these benefits.

24. MACo supports the continuation of Medicare/Medicaid benefits for detention center inmates prior to adjudication.

25. MACo supports the State funding the Montana State Hospital.

26. MACo supports local advisory council (LAC) and adequate state funding to carry out their mission.

27. MACo supports the Department of Public Health & Human Services (DPHHS) development of a certified community behavioral health clinic (CCBHC) model.

28. MACo supports the inclusion of health professionals, including behavioral health, in the State Workforce Innovation Board’s (SWIB) critical workforce development program.
MACo recognizes the current problems encountered by counties in the area of criminal justice and public safety. MACo encourages positive actions to promote and protect the public interest.

1. MACo supports that state, federal and city/town governments reimburse counties for certain services, such as prisoner care.

2. MACo believes that detention center reimbursement rates should reflect actual costs for services.

3. MACo believes mental evaluations should be conducted locally when available.

4. MACo supports state and federal funding for jails.

5. MACo supports limiting judicial expenditures in excess of adopted county budgets and opposes judicial orders of additional expenditures above the adopted county budget.

6. MACo supports a partnership between state and local governments for the funding of defined minimum standards of court security in district, county, justice, and municipal courts.

7. MACo supports a partnership between the state and local governments for the funding of the costs to remodel courthouses to accommodate additional District Court Judges and related staff, furniture, fixtures, and equipment.

8. MACo believes that the state should continue to support the concept of regional juvenile detention facilities.

9. MACo supports legislation to allocate state funding to regional boards for operation and maintenance of regional juvenile detention facilities.

10. MACo believes that counties should be reimbursed for detention costs from the date of conviction or guilty plea to the date of sentencing, and the state should be responsible for the detention costs.

11. MACo supports full funding of grants to counties under the Montana Youth Court Act and funding to recognize the frontier status of Eastern Montana Counties—the distances law enforcement must travel for purposes of providing adequate youth detention services.

12. MACo supports providing to county governing bodies the authority to enact social host ordinances.

13. MACo supports the state’s funding of additional resources for the Department of Criminal Investigations and the State Prosecution Bureau.
14. MACo supports additional state funding for deputy county attorney positions that are primarily designed to enforce state law.

15. MACo supports creating zones around emergencies to be drone free and to support financially punishing drone operators whose actions endanger emergency responses in Montana.

16. MACo will work with the Montana Court Administrator’s Office to ensure full funding of all district court costs as cited in MCA 3-5-901.

17. MACo will support working with the National Association of Counties (NACo) and the federal government to allow public safety telecommunicators to work the same schedules as emergency and public safety services.

18. MACo supports the state’s funding of diversion programs, specifically family courts, drug courts, pretrial services, and youth courts.

19. MACo supports the state’s funding of Drug Task Forces.

20. MACo supports the state’s funding of Victim Advocacy Programs.

21. MACo supports allowing local governments more freedom to set salaries for deputy sheriffs.
1. MACo believes that the protection of the environment and the wise development and utilization of our natural resources are essential concerns of all citizens and all levels of government.

2. MACo urges greater commissioner representation on all boards, commissions, and advisory bodies related to the field of natural resources.

3. MACo affirms the need for responsible county planning and community development in all counties in the state by encouraging government officials to control land use to preserve agricultural and other open space lands.

4. MACo affirms the need for responsible county planning and community development in all counties in the state by assisting in the coordination of local planning and development activities with state and federal agencies and by acting as an information source to counties on current state and federal legislative developments.

5. MACo affirms the need for responsible county planning and community development in all counties in the state by recognizing that counties are the most appropriate governmental unit to oversee new development in the county and assess the economic impact. Cooperation by counties will afford the advantages of well-planned use of land, preserved open space, less urban sprawl, and a more efficient delivery of public services.

6. MACo supports the concept of effective land use planning permissively initiated at the local level by local government officials.

7. MACo supports restructuring Montana tax laws to assure that local governments are adequately reimbursed for increased costs for services by new development.

8. MACo supports growth policies that adequately plan for economic development and cost-effective infrastructure.

9. MACo supports state funding for growth policies.

10. MACo supports developing local government review authority for transfers of private sector land to the public sector.

11. MACo encourages counties to develop regulations to guide and control land subdivision.
County officials should be given more authority in reviewing proposed subdivisions and adopting subdivision controls to promote the wise use and development of land.

12. MACo supports limiting the use of exemptions to the Subdivision and Platting Act and to further authorizing local development of criteria for allowable exemptions.

13. While MACo continues to support the concept of local governments as the foundation of effective planning, there is a role for state government in the process.

14. MACo recommends that the state, as a facilitator, should provide for the inventory and analysis of data and make the information available to local governments.

15. MACo recommends that the state, as a coordinator, should develop greater ability to provide specialized technical service where county government cannot support such specialization.

16. MACo recommends that the state, as a coordinator, should coordinate and encourage planning programs at all levels of government.

17. MACo recommends that the state, as a coordinator, should provide a funding means to assist county government in developing planning programs based on state revenue as well as federal funds.

18. MACo believes that the development of a state policy toward planning issues must include the active participation of county government in that development. The policy should not dictate to county government the specific regulations for planning but should provide a uniform, flexible framework to guide planning efforts.

19. MACo urges federal government agencies to actively involve local governments in the initiation and refinement of federal planning and policy decisions.

20. MACo believes that there is a necessity for balance between land use regulation and the protection of private property.

21. MACo believes that the continued presence of Military missions within Montana is essential to our national defense as well as the economic health of our citizens and communities. Further, we recognize that these missions can present unique challenges in land use planning which can be best addressed by allowing limited local land use regulation through the creation of Military Affected Areas as allowed by Montana State Law. The limits placed on this type of regulation need to represent a balance between private property rights and the needs of the military.
22. MACo supports water policy that continues to allow use of exempt well water for agriculture, homes, and small businesses without the burden of the water right permitting process; and opposes changes to water policy that would unnecessarily increase the cost associated with accessing water; changes to water policy that limit the county’s ability to properly plan, zone for growth, or review and condition subdivision applications; changes to water policy that would negatively affect the county’s ability to meet Wildland Urban Interface requirements; and changes to water policy that may create added weed infestation in Montana.
PUBLIC LANDS

1. MACo believes the most basic principle that must be followed in all actions by state and federal agencies is early consultation, cooperation, and coordination with local county officials, as well as municipal and tribal officials, who have been elected to represent the concerns of those directly affected by public land management decisions within each official jurisdiction.

2. MACo believes that environmental issues must be balanced with socioeconomic issues to achieve a policy, which allows not only a high degree of environmental protection, but also preserves and enhances local community sustainability. County officials and their constituents are keenly aware of the historical, economic, and aesthetic values of their local environment and they are certain of the need to prepare for a sustainable future to assure the viability of their communities. Therefore, it is imperative that the federal and state governments work cooperatively with county and other local governments on such policies.

3. MACo supports natural resource planning and environmental management featuring site-specific management decisions made by local decision makers, local citizenry and parties directly and personally affected by environmental land and resource management decisions on our public lands.

4. MACo believes that community stability and sustainability in natural resource-dependent communities is important, and it is a high priority of MACo. This stability entails a broad range of concerns for the economic, social, and environmental well-being of community residents whose future is linked to decisions that are made about the nation’s natural resources.

5. MACo believes that while protecting ecosystems, soils, waterways, plants, and animals is important, so too is the protection of humans, economies, and communities from destructive environmental practices.

6. MACo supports revising NEPA implementing regulations to standardize the qualifications for cooperating agency status, to allow for a cooperating agency to participate in the schedule planning process for NEPA analyses, to direct the lead federal agency to meet with a cooperating agency at the cooperating agency’s request and to amend the definition of
cooperating agency to increase the opportunities for involvement from experts within state, local and tribal governments.

7. MACo supports revisions that would allow federal agencies’ local and regional offices to enter into formal agreements with state and local partners, including allowing state and local governments to conduct portions of, or provide critical data for, a NEPA analysis. MACo recommends that federal agencies work with state and local officials to ensure proposed actions and categorical exclusions are consistent with state and local infrastructure development and land management plans by expanding and mandating reviews for federal agencies with counties and considering the input of all affected parties.

8. MACo supports page and time limitation for environmental assessments and environmental impact statements to minimize the administrative burden that counties face as a result of the NEPA process. MACo also requests CEQ clarify that any potential deleterious environmental impacts a project may cause will continue to be thoroughly analyzed as changes to NEPA implementation are developed.

9. MACo believes human communities and economies deserve primary consideration when setting federal and state land policies.

10. MACo opposes any federal legislation, including cap and trade legislation, if it imposes any new tax or fee, energy cost, or other financial burden on state and local governments, employers, and households.

11. MACo strongly encourages the congressional delegation and the State Land Board to fully analyze the economic impacts on local governments with the cooperation and coordination of the affected counties before supporting any land transfers.

12. MACo believes that federal and state real property holdings should be maintained at a minimum or no-net gain level.

13. MACo supports the efforts of counties to ensure local government participation and Congressional action in the decision-making process surrounding the creation of proposed special-use designations. We support efforts to maintain and improve existing public land roads and access points, with adequate federal or state funding appropriated for that purpose.
14. MACo opposes any state or federal agency allowing non-government organizations (NGO’s) to participate in any planning or proposed plan changes without equal representation from organizations with opposing views.

15. MACo urges Congress to coordinate and cooperate with the county officials, of those affected counties, in decisions relating to the future designations of wilderness.

16. MACo supports the release of all Wilderness Study Areas (WSA’s), which have been recommended or evaluated as not suitable for wilderness by the respective agencies and managed in accordance with the principles of the Multiple-Use Sustained Yield Act of 1960.

17. MACo opposes the use of the Antiquities Act to create National Monuments, and MACo supports amending the Antiquities Act to clarify its actual intent, which is to establish small, discrete monuments or memorials, and MACo supports prohibiting the further extension or establishment of national monuments except by the express authorization of Congress and coordination with the support of state and local governments.

18. MACo believes in state primacy in water resources administration, management, and allocation.

19. MACo opposes changing the definition in the Clean Water Restoration Act from “navigable waters” to “Waters of the U.S.”

20. MACo believes that ditches, streets, and gutters should not be waters of the U.S. and also believes in retaining the definition of navigable waters in the Clean Water Act. [NOTE: This was implemented prior to the 2015 Clean Water Rule; On February 28, 2017, the President signed the “Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule;” federal agencies are now embarking on another effort.]

21. MACo believes that existing public land laws now provide for comprehensive and continuous oversight of the administration of mining, oil, gas, and coal industries, which are important for the economic well-being of public lands counties.

22. MACo supports the philosophy of multiple-use management, which allows diversity of activities on public lands and results in the establishment of local economies based on these principles and practices.
23. MACo supports the continued multiple use of all Montana’s rivers for hydropower generation, flood control, transportation, irrigation, recreation, fish and wildlife habitat and municipal and industrial uses.

24. MACo supports the enhancement of a viable rangeland livestock industry as an essential component of Montana’s economy and is vital to affected communities.

25. MACo supports management practices that enhance forest health and sustained harvest and provide for multiple use.

26. MACo believes public lands should be managed in both an ecologically and financially sustainable manner providing a source of revenue to the Federal, State, and Local governments.

27. MACo also believes that lands should be managed with consideration of the potential costs of remediation after a severe fire event.

28. MACo supports the reorganization of Forest Service Management to reduce the layers of the organizational structure from four to three and supports clearly defining the Forest Service mission to encourage more “boots on the ground” projects.

29. MACo supports the active management of noxious weeds on all county, state, federal, and tribal lands in Montana and recommends cooperative agreements and funding sources to implement said management.

30. MACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buyout of grazing by non-ranching third parties.

31. MACo supports livestock grazing on the Charles M. Russell Wildlife Refuge (CMR) at levels that sustain economically sound livestock operations and maintain the ecological health of the resource.

32. MACo supports the designation of bison introduced into areas of the state not currently populated by bison as domestic livestock to be managed by the Montana Department of Livestock.

33. MACo supports requiring regulation of bison by the Montana Department of Livestock to cross county lines.
34. MACo supports protecting communities, local businesses, and government from unnecessary restrictions due to listing of the Greater Sage Grouse under the Endangered Species Act (ESA), as MACo believes that the listing of the Greater Sage Grouse has absolutely no merit.

35. MACo supports decisions to list species as threatened or endangered that are made through best available science with increased transparency, timely decisions with local participation through stakeholder collaboration and coordination with local governments.

36. MACo believes that the ESA should recognize and allow consideration of predation of threatened or endangered species through predator impacts and natural events as well as consider the social and economic impacts to local economies before making any management decisions.

37. MACo believes that the petitioning of species for listing or removing and revising critical habitat can be done only by the state-recognized wildlife management agency in which the native species in question exists or strong documentation that it historically existed in such state. Quantifiable recovery levels for delisting must be identified at the time of listing.

38. MACo supports amending the Equal Access to Justice Act (EAJA) requiring accountability and transparency of the expenditure of federal funds and limiting access to EAJA funds only to individuals, small businesses, and non-profit organizations that are directly and personally damaged through a federal action.

36. MACo supports, on a basis equitable to both the Federal and local taxpayer, to provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation; examples of payment programs include but are not limited to Refuge Revenue Sharing, Secure Rural Schools (SRS), Payment-in-Lieu-of-Taxes (PILT), Taylor Grazing, Bankhead-Jones, and the Taylor Grazing Act.

37. MACo believes that additional payments should be made to counties for federal natural resource extraction and use due to additional impacts on local government services and infrastructure. Furthermore, MACo supports monetary compensation to counties for the lack of natural resource use or extraction when demand for the resource exists.

38. MACo supports reducing the administrative fee allowance to 0.1% (1/10th of one percent) or $1,000,000, whichever is greater, for administrative costs for the Pittman – Robertson and
Dingell - Johnson funds. If additional administrative fees are required by the United States Fish and Wildlife Service (USFWS), congressional approval would be required.

39. MACo supports allowing for any such program developed to protect public health and safety of Montana waterways to be borne by those directly responsible for the potential contamination or introduction of aquatic invasive species in Montana.
RESOLUTIONS & LEGISLATIVE

MACo’s basic objective is to strengthen county government in order to effectively manage the services they provide. County government is a subdivision of the state government with legislative, judicial, and administrative powers. Counties have the specific responsibility to protect the health, safety, and welfare of county citizens through programs and services funded and provided at the local level. Such essential services must be controlled at the local level to fit the needs unique to each county.

1. MACo believes that cooperation and coordination among various agencies and branches of government is essential.

2. MACo supports efforts to coordinate services and develop methods to jointly administer programs. Counties must participate in the decision-making process whenever state mandates are proposed.

3. MACo supports legislation to fund the ongoing maintenance of the voter database system and/or election equipment funded through the Secretary of State either from the Montana general fund or federal pass-through funds.

4. MACo supports efforts to adopt a statewide system of vote-by-mail elections and allowing counties to conduct federal elections by mail ballot.

5. MACo supports requiring ballots be received by 8 p.m. on Election Day.

6. MACo believes that county government authority under state law should be liberally construed, with county government having the authority to perform activities not specifically prohibited under state law for the purpose of protecting the health, welfare, and safety of county residents.

7. MACo encourages legislation that would provide for the creative use of contracting for services as a way to provide selected programs at the local level.

8. MACo opposes any legislative consideration to mandate county reorganization and/or consolidation in light of existing statutory authority for local citizens to undertake, by petition, county reorganization and/or consolidation.

9. MACo supports the inclusion of county election administrators, clerk & recorders, and local government officials in reviewing and choosing new elections equipment and voter database systems.
10. MACo supports county governments being able to use cooperative purchasing contracts let by a public procurement unit or joint or multiparty contracts between public procurement units.
TAXATION, BUDGET & FINANCE

1. The Montana Association of Counties believes that local government is best able to provide programs and services that are responsive to unique local needs. Local governments should have broad authority to finance these services. This requires a revenue base that is stable and will provide adequate funding. Any method the State of Montana uses to generate revenue directly affects local governments. In the interest of maintaining the partnership between all levels of government, we expect the State of Montana and the federal government to honor existing commitments to local governments.

2. MACo supports local and statewide alternative revenue sources that will decrease the need to burden local property owners and will help stabilize the tax base.

3. MACo supports the authority of local governments to have budget flexibility to meet the rising costs and demands for traditional, as well as additional, services.

4. MACo believes that local governments should be adequately compensated for all non-renewable resources extracted to meet current and future impacts of affected counties.

5. MACo supports greater flexibility in the fee setting authority of county government which adequately reflects the real costs of providing services.

6. MACo supports reimbursement to counties for lost property taxes as a result of the acquisition of real property, or property held in trust, by either the state or federal government.

7. MACo supports working in cooperation with the Montana Secretary of State’s Office to pursue additional state and federal funding sources to supplement local government election administration costs.

8. MACo supports amending the Impact Fee Act to remove barriers (the 10-year useful life requirement; the requirement that one member of the impact fee advisory committee be a certified public accountant; the 5% cap on the administrative fee that may be retained by the unit of local government; a rational point of nexus where the impact fee can be collected) to adoption and implementation of impact fees.

9. MACo supports state reimbursement to counties for lost property taxes as a result of the state’s acquisition of real property.

10. MACo supports protecting counties from reduced funding and cost shifting from state to county government, and MACo supports protection of important programs and funding
mechanisms, such as the Entitlement Shares, TSEP, renewable resource grants, Big Sky Trust
Fund, and others, which allow counties to perform statutorily mandated duties and
responsibilities.

11. MACo supports efforts to implement pension reform policies to provide equitable long-term
funding and member benefit stability for the Montana Public Employees Retirement Systems
affecting county employees, to achieve and maintain solvency and actuarial soundness and
equity among beneficiaries and contributors to the systems.

12. MACo believes that all volunteer firefighters and EMT's should be covered under the
Montana Workers Compensation Act.

13. MACo supports the full and long-term funding of the Montana State University Local
Government Center within the University system budget.

14. MACo supports the extension of the sunset of the statutory appropriation for the distribution
of metal mines license tax funds allocated to impacted counties.

15. MACo supports the continuation of the six-mill levy to provide the basis of state financial
support for the support, maintenance, and improvement of the Montana University System.

16. MACo supports the statutory obligation of the state of Montana through the state tax appeal
board appropriation to fund the incidental expenses for the county tax appeal board as stated

17. MACo will work with the Montana County Treasurers Association and the Montana
Department of Revenue to clearly explain the information provided to taxpayers on their tax
assessment notice.

18. MACo supports allowing counties the option of dedicating a portion of their junk vehicle
funds to the towing, recycling, and disposing of non-motorized vehicles and mobile homes.
TRANSPORTATION

1. MACo promotes, offers suggestions and new ideas, investigates methods, and researches costs of providing improved and economical transportation for the public.

2. MACo advocates for coordination of transportation planning between units of local government.

3. MACo supports using and planning county roads as tools to encourage proper land use to include a primary focus on farm-to-market activities. The location of roads is a major factor in the pattern of controlled land development. Carefully planned road locations and reconstruction may promote proper land use as well as economic efficiencies in the use of limited transportation funds.

4. MACo urges legislation or policy aimed at placing disposition of road funds at the county level.

5. MACo supports individual counties developing road and bridge standards applicable to the county situation.

6. MACo works with the Montana Department of Transportation (MDT) on the maintenance responsibilities.

7. MACo supports legislation to secure state and federal assistance in the construction and maintenance of roads and bridges used for recreational purposes or for access to public lands while granting counties greater discretion in determining road status and funding priorities.

8. MACo supports uniform procedures for posting private land. Such posting procedures are warranted due to their applicability to gas tax revenue determination.

9. MACo supports any state effort on behalf of infrastructure funding.

10. MACo supports allocation of and efficient utilization of state and federal funding to provide technical assistance, safety and operator training, and risk management to local government employees across the state and opposes using these resources to grant writing and research, believing that such diversion weakens the level of services provided to Local Governments.

11. MACo supports airport infrastructure funding that addresses the needs of both primary and non-primary airports due to the economic importance of a strong system of airports.

12. MACo supports the reasonable development and long-term availability of sites for public source materials for use in public projects.
GUIDELINES FOR SELECTION AND DEVELOPMENT OF PAVEMENT TREATMENTS ON THE SECONDARY ROAD SYSTEM

System Responsibility

MDT assumes responsibility for all paved roads on the approved Secondary System. Responsibilities include:

- Day-to-day maintenance of paved surface and its appurtenances; and
- Pavement preservation; and
- Rehabilitation and reconstruction; and
- Plowing and sanding (county and state partnership); and
- Counties will maintain gravel surfaces.

(These guidelines for secondary roads were implemented under SB 333, 1999 Session of Montana Legislature.)