MACo Policy Book

Montana Association of Counties

2024-2026

Adopted by MACo Membership

115th Annual Conference

September 18, 2024

The information presented herein is created by MACo's Membership and compiled by MACo Staff.
Membership encompasses all 56 counties within the state of Montana.
Revisions to this policy book are made biennially at the Member Business Meeting during MACo's Annual Conference.

What does MACo do, Legislatively?

Confused by committees, resolutions, and policy statements? Let us clarify...

Founded in 1909 by County Commissioners, the Montana Association of Counties (MACo) is one of the oldest organizations in Montana and was established to give counties a collective voice at the State Legislature. Today, MACo maintains this core foundation while also actively evolving to provide relevant services counties need as well as those requested by the membership.

The Association works to anticipate and address the complex and rapidly changing challenges facing Montana's 56 county governments. To summarize, Staff supplies resources, research, and technical support while also training members in various areas such as human resources, ethics, county government laws and budgeting, as well as participating legislatively. They also keep counties apprised of pertinent current events and offer opportunities for officials to connect and collaborate statewide.

Legislatively, MACo continues to be the aforementioned "collective voice" of counties at the State Legislature. The Association monitors legislation and works with state agencies, legislators, and the Executive Branch to help shape public policy related to counties.

MACo's legislative process is structured around the participation and involvement of all member counties.

One of the primary ways MACo (YOU) shapes policy is through the resolutions and policy statement process. What is a resolution? And what do you mean by "policy statement?"

Glad you asked. Continue reading below…

Everything About MACo Resolutions & Policies

Resolution Synopsis: Adopted proposal becomes proposed legislation.

A "MACo Resolution" proposes to amend the law to solve a problem via legislation. It is a written motion beneficial to county government, adopted by a deliberative assembly of MACo members—each member county has one vote. **Nutshell: Adopted Resolution = Legislation.** (The most recently adopted resolutions are available in this document.)

Proposed resolutions are ideally reviewed for adoption at MACo's Annual Conference, but occasionally extenuating circumstances require a special meeting. If approved, Staff and assigned member counties, secure sponsorship, and the official bill-drafting begins.

What are MACo Policy Statements? …Guidance.

A "Policy Statement" provides guidance to MACo staff, while also informing legislators and the public, of MACo's position regarding possible legislation, proposed legislation, issues that may arise during a

legislative session or the Interim, federal issues, and anything else on which Staff needs member direction.

As mentioned previously, MACo's legislative process is structured around the participation and involvement of all member counties. Policies are maintained by subject-focused policy committees and reviewed for adoption by the membership during their business meeting at MACo's Annual Conference (on pre-legislative years).

Utilizing the adopted policy statements, MACo will support legislation that the membership deems to be beneficial to their citizens, the counties in general, and the state as whole (and sometimes the State–capital "S"). Conversely, MACo will oppose legislation that members consider to be detrimental thereto.

This document contains a number of various statements organized by MACo's ten policy committees.

MACo Committees

The initial policymakers and maintainers.

MACo's Policy Committees are essential to the Association's operation. They represent the members' interests and have the important responsibility of assisting in setting and maintaining policy that helps guide MACo Staff on legislative matters.

MACo members interested in serving on a committee have the opportunity to submit their preferences after the Annual Conference each year. Subsequently MACo's President makes appointments prior to January 1st, enabling committees adequate time to prepare for their initial 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 Coalition?

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.

Now that you understand MACo's resolution and policy process, go forth and explore our current legislative package!

POLICY STATEMENTS ADOPTED AT MACO'S ANNUAL CONFERENCE, SEPTEMBER 18, 2024

The information presented herein is established by MACo's Membership and compiled by MACo Staff.

MACo Policy Statements

2024 – 2026

The policy revision process begins post legislative session and is finalized biennially by the Membership.

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ADOPTED BY MACO MEMBERSHIP
MACO ANNUAL CONFERENCE
SEPTEMBER 18, 2024

AGRICULTURE

The importance of agriculture to Montana citizens and the state's economy cannot 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 encourages approaches to simplify state-to-state licensure requirements and recognition of other state's training and certifications, through legislation and rulemaking at the State level, to strengthen Montana's workforce. This issue greatly impacts our military and law enforcement communities in particular.
13. 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.
14. MACo supports the exemption of Federal Funds that flow through state agencies from any

Statewide Cost Allocation Plan.

15. MACo supports continued long-term operations of existing U.S. Post Office and sorting facilities in communities across America.
16. 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.
17. 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.
18. 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.
19. 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, 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 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.
28. MACo supports the education of county governing bodies to understand the various roles and methods by which they can participate in administrative agency rulemaking that affects energy as well as land use policy, and the impacts of those policies on local government, local economies, private property, and Montana's culture and way of life including oral and written comment, appearance and testifying, policy coordination, cooperating agency status, etc., as well as the similarities and differences between these roles and methods and how to select the best option among them in the varying contexts of rulemaking actions.

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 themselves 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 more fairly cover the costs to the counties of running the licensed establishment programs.
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.
29. MACo supports an increase in State Funding to the Montana Area Agencies on Aging Fund.

JUSTICE & PUBLIC SAFETY

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 detention facilities for juveniles and adults.
9. MACo supports legislation to allocate state funding to regional boards for operation and maintenance regional detention facilities for juveniles and adults.
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.
22. MACo supports the enforcement of state immigration law, subject to full indemnification by the State of Montana for any and all local government employees enforcing those laws and full reimbursement by the State of Montana for actions required subsequent to enforcement and judicial orders, including transportation costs.
23. MACo supports requiring any and all contractors and sub-contractors to utilize the E-Verify platform and certify com-pliance with 8 CFR Part 274a for each new and existing employee.

LAND USE, PLANNING & DEVELOPMENT

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, with federal and state real property holdings maintained at a minimum or no-net gain level.

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 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 rights.
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 predictable use of exempt well water for agriculture, homes, and small businesses without a burdensome 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.
23. MACo supports the education of county governing bodies to understand the various roles and methods by which they can participate in administrative agency rulemaking that affects land use policy, and the impacts of those policies on local government, local economies, private property, and Montana's culture and way of life including oral and written comment, appearance and testifying, policy coordination, cooperating agency status, etc., as well as the similarities and difference between these roles and methods and how to select the best option from among them in the varying contexts of rulemaking actions.

PUBLIC LANDS

1. MACo believes human communities and economies deserve primary consideration when setting federal and state land policies.
2. 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.
3. 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.
4. 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.
5. 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.
6. MACo believes that the protection of humans, economies, and communities is first and foremost to the protection of ecosystems, soils and waterways, plants, and animals from destructive environmental practices.
7. 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.

8. 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.
9. 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.
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.

39. 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.

40. 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.

41. 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.

42. 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 use of alternative project delivery 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 election 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.

11. MACo urges any State and/or Federal mandate(s) on Counties must have a sufficient funding mechanism in order to become law.

TAXATION, BUDGET & FINANCE

MACo 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 uses to generate revenue directly affects local governments. In the interest of maintaining the partnership between all levels of government, we expect the State and the federal government to honor existing commitments to local governments.

1. MACo supports local and statewide alternative revenue sources that will decrease the need to burden local property owners and help stabilize the tax base.
2. 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.
3. MACo believes that local governments should be adequately compensated for all non-renewable resources extracted to meet current and future impacts of affected counties.
4. MACo supports greater flexibility in the fee setting authority of county government which adequately reflects the real costs of providing services.
5. 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.
6. 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.
7. MACo supports amending the Impact Fee Act to remove barriers to adoption and implementation of impact fees (i.e., 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).
8. MACo supports protecting counties from reduced funding and cost shifting from the State to County Government, and MACo supports protection of important programs and funding mechanisms, such as the Entitlement Share, MCEP, renewable resource grants, Big Sky Trust Fund, and others, which allow counties to perform statutorily mandated duties and responsibilities.

9. 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.
10. MACo believes that all volunteer firefighters and EMT's should be covered under the Montana Workers' Compensation Act.
11. MACo supports the full and long-term funding of the Montana State University Local Government Center within the university system budget.
12. 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.
13. MACo supports the extension of the sunset of the statutory appropriation for the distribution of metal mines license tax funds allocated to impacted counties.
14. 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 in 15-15-101 (b)(3), MCA.
15. 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.
16. 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.
17. MACo supports the Legislature adjusting residential, commercial, and agricultural rates to at—or near—taxable value neutral as provided by the Department of Revenue and using tax year 2023 as the benchmark rate for adjustment moving forward in order to alleviate large swings in tax shifts due to reappraisal.
18. MACo supports that any revenue from a tax on luxury goods and services go to a reduction in property tax—reducing school mills first—with a shared portion of the revenue distributed to low or non-revenue generating counties, thereby providing property tax relief.

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 the Montana Legislature.)

RESOLUTIONS ADOPTED AT MACO'S ANNUAL CONFERENCE, SEPTEMBER 18, 2024

The information presented herein is established by MACo's Membership and compiled by MACo Staff.

MACo Resolutions

2025 Legislative Session

The resolution process begins post legislative session and is finalized biennially by the Membership.

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ADOPTED BY MACO MEMBERSHIP
MACO ANNUAL CONFERENCE
SEPTEMBER 18, 2024

RESOLUTION 2024-01

ALLOW FOR 72 HOURS OF TEMPORARY HOLD

It is the intent of the Montana Association of Counties to amend laws pertaining to the involuntary commitment of individuals in mental health crises to allow an affidavit for 72 hours of temporary hold in an appropriate crisis stabilization facility prior to the filing of a petition for commitment, because it can avoid unnecessary, lengthy court proceedings, reduce the occurrence of involuntary commitments, and produce better health outcomes for individuals in mental health crises.

WHEREAS, Montana and the nation are experiencing increases in the number of individuals in mental health crises; and

WHEREAS, MCA 53-21-127authorizes the civil involuntary commitment of individuals in a mental health crisis who are a danger to themselves or others or cannot meet their basic needs and refuse voluntary care; and

WHEREAS, a petition for involuntary commitment formally engages the legal system and leads to a lengthy court process; and

WHEREAS, many individuals in acute crisis will stabilize given adequate time; and

WHEREAS, once a petition for commitment is filed, an individual must engage in the court process even if they have stabilized, causing trauma for someone recovering from an acute mental health crisis and consuming valuable court resources; and

WHEREAS, a 72-hour temporary hold period, recommended by a licensed mental health professional, prior to the filing of a petition for commitment would allow time for patients to stabilize and enable clinicians to make more accurate assessments; and

WHEREAS, longer temporary hold periods are correlated with a lower probability of hospitalization and, when hospitalization occurs, a lower probability of involuntary hospitalization; and

WHEREAS, decreasing involuntary commitments saves local and state government resources and, when appropriate to avoid, produces better health outcomes for individuals in mental health crises.

NOW, THEREFORE BE IT RESOLVED, that the Montana Association of Counties will seek to amend statutes to allow, with the recommendation of a mental health professional, the option of an affidavit for 72 hours of temporary hold in an appropriate crisis stabilization facility prior to the filing of a petition for commitment. The county must authorize transport by resolution.

SPONSOR	GALLATIN COUNTY
REFERRED TO	JUSTICE & PUBLIC SAFETY (JPS) COMMITTEE
ADOPTED BY MEMBERSHIP	MACO'S 115TH ANNUAL CONFERENCE – SEPTEMBER 18, 2024

RESOLUTION 2024-02

PHYSICAL PRESENCE IN INVOLUNTARY COMMITMENT PROCEEDINGS

It is the intent of the Montana Association of Counties to amend laws pertaining to the involuntary commitment of individuals in mental health crises to allow two-way audio-video appearances by all parties because it can avoid unnecessary transport of individuals in mental health crises, protecting the health and safety of law enforcement officers and individual respondents.

WHEREAS, Montana and the nation are experiencing increases in the number of individuals in mental health crises; and

WHEREAS, MCA 53-21-127 authorizes the civil involuntary commitment of individuals in a mental health crisis who are a danger to themselves or others or cannot meet their basic needs and refuse voluntary care; and

WHEREAS, MCA 53-21-1 19 refers to the "right of the respondent to be physically present"; and

WHEREAS, MCA 53-21-14 allows the use of two-way electronic audio-video communication in certain circumstances; and

WHEREAS, allowing two-way electronic audio-video communication by all parties to meet all presence requirements would alleviate unnecessary—and oftentimes dangerous—transports of individual respondents.

NOW, THEREFORE BE IT RESOLVED, that the Montana Association of Counties will seek to amend MCA 53-21-1 19 to remove the word "physically" as well as amend MCA 53-21-140 in its entirety specifically indicating that two-way electronic audio-video communication meets all presence requirements.

SPONSOR	GALLATIN COUNTY
REFERRED TO	JUSTICE & PUBLIC SAFETY (JPS) COMMITTEE
ADOPTED BY MEMBERSHIP	MACO'S 115TH ANNUAL CONFERENCE – SEPTEMBER 18, 2024

RESOLUTION 2024-03

SUBDIVISION APPLICATIONS REGARDING LEGAL AVAILABILITY OF WATER & WASTEWATER FACILITIES

It is the intent of the Montana Association of counties to clarify laws pertaining to the review of subdivision applications by counties, specifically in the realm of determining the legal availability of water, because current statutes require counties to review subdivision applications; but counties do not have the authority to approve or enforce the legal right to water as the Montana Department of Natural Resources and Conservation does; and counties do not have the authority to review wastewater facilities that the Montana Department of Environmental Quality reviews.

WHEREAS, counties are required by MCA 76-3-101 through MCA 76-3-625, also known as the Montana Subdivision and Platting Act (MSPA), to promote the public health, safety, and general welfare by regulating the subdivision of land; and

WHEREAS, the MSPA sets forth the requirements of an environmental assessment but does not provide guidance to counties on determining the sufficiency of an environmental assessment; and

WHEREAS, the MSPA does not limit the liability to counties if an environmental assessment is later deemed insufficient; and

WHEREAS, the Montana Department of Environmental Quality (DEQ) reviews wastewater facilities pursuant to MCA Title 76, Chapter 4, and the MSPA does not require counties to complete the same review as the DEQ review; and

WHEREAS, the Montana Department of Natural Resources and Conservation (DNRC) determines the legal availability of water pursuant to the Montana Water Use Act, MCA 85- 2-101 through 85-2-1001, and the MSPA does not require counties to complete the same determination; and

WHEREAS, a recent district court decision held that counties must determine the legal availability of water for subdivisions and that counties must review wastewater facilities that DEQ reviews.

NOW, THEREFORE BE IT RESOLVED, that the Montana Association of Counties seeks to clarify the law by expressly authorizing local governments in Montana to collect information on new water supply or wastewater facilities pursuant to the MSPA in the subdivision application process and transmit that information to DEQ for review.

SPONSOR	BROADWATER COUNTY
REFERRED TO	LAND USE, PLANNING & DEVELOPMENT (LUPD) COMMITTEE
ADOPTED BY MEMBERSHIP	MACO'S 115TH ANNUAL CONFERENCE – SEPTEMBER 18, 2024