Montana Association of Counties

MACo Policy Book
Montana Association of Counties

2020-2021

Adopted by Membership
111th Annual Conference
October 1, 2020
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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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RESOLUTION 2020-01

30-DAY COMMENT PERIOD PRIOR TO EXEMPT STATUS

It is the intent of the Montana Association of Counties to seek legislation to require a 30-day comment period by the affected county prior to a property being moved to exempt status by the Montana Department of Revenue (DOR).

WHEREAS, MCA 7-6-2527 provides authority for county commissioners to impose a property tax levy for any public or governmental purpose; and

WHEREAS, MCA 7-6-2501, provides authority to levy a tax annually on the taxable property of the county for county public or governmental purposes to defray expenses; and

WHEREAS, MCA 15-1-201 provides authority for the Department of Revenue to administer revenue laws; and,

WHEREAS, when fee status properties that qualify for exempt status are removed from property tax rolls, an additional tax liability is placed on remaining taxpayers in a district; and

WHEREAS, removing properties to exempt status may impact regulatory jurisdiction, real property taxes, special assessments, and fees which may not be exempted; and

WHEREAS, the county may have information related to the property not available to the Department of Revenue; and

WHEREAS, county commissioners do not receive written notice from the Montana Department of Revenue when properties in a county are moved to exempt status; and

NOW, THEREFORE BE IT RESOLVED that the Department of Revenue in each county is required to notify the commissioners in the affected county that a property has applied for exempt status and provide a 30-day comment period by the commissioners prior to the property being moved to exempt status.

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<tr>
<th>SPONSOR:</th>
<th>LAKE COUNTY</th>
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<td>RECOMMENDATION:</td>
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<tr>
<td>REFERRED TO:</td>
<td>MACO TAX, BUDGET &amp; FINANCE COMMITTEE</td>
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<td>ADOPTED:</td>
<td>ANNUAL CONFERENCE – OCTOBER 1, 2020</td>
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RESOLUTION 2020-02

ALLOW COUNTY OFFICER OFFICE LOCATIONS TO BE DETERMINED BY RESOLUTION

It is the intent of the Montana Association of Counties to amend laws pertaining to location of county offices to allow county offices for county officers to be determined by resolution of the county commission because currently all officers, except justices of the peace are required to keep their offices at the county seat.

WHEREAS, under M.C.A. 7-4-2211 county offices for county officers, except justices of the peace as set forth in 3-10-101, must keep their offices at the county seat; and

WHEREAS, limiting flexibility in determining the most appropriate and beneficial location may not allow for the most efficient governance; and

WHEREAS, available property within the jurisdiction of the county seat may be limited or cost prohibitive.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend the law by expressly authorizing county governments, via resolution, to establish the location of county offices for county officers outside of and superseding the restriction limiting the location to the county seat.

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<td>Adopted:</td>
<td>Annual Conference – October 1, 2020</td>
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RESOLUTION 2020-03

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, M.C.A. §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, 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.

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<th>Sponsor:</th>
<th>Gallatin County</th>
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<td>Recommendation:</td>
<td>Do Pass as Amended</td>
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RESOLUTION 2020-04

ALLOW TAX ASSESSMENT FOR COLLECTING FEES FOR OPERATION EXPENSES RELATED TO WATER & SANITARY RSIDs AND MSSDs

It is the intent of the Montana Association of Counties to develop or revise statutory language that enables assessment of operational expenses directly related and essential to water and sanitary RSIDs and MSSDs on tax bills.

WHEREAS, multiple statutes exist enabling districts to be formed by counties that may result in building, constructing, or acquiring by purchase water and sanitary systems, as well as maintenance and debt service; and

WHEREAS, MCA 7-12-2102 and 2108, which governs the creation and maintenance of Rural Improvement Districts, do not provide for collection of operational costs by either the county owning the system or a system owned by another jurisdiction and billed to the county;

WHEREAS, MCA 7-13-141, which governs Metropolitan Sanitary Sewer Districts provides for charges for operations of a system operated, controlled and under the jurisdiction of the MSSD but not for assessing those operations on tax bills or for operational costs incurred through an agreement with another local government treatment.

WHEREAS, at this point, the only method for collection by a county for operational costs of a system essential to the RSID or MSSD is through a monthly billing and not tax assessment.

WHEREAS, the inability to utilize the tax assessment process for collecting from benefitted lots, tracts, or parcels of land for the operational costs of or operations charges to a water and sanitary RSID or MSSD adds overhead cost and collection issues.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to clarify in statute that counties may assess operational costs incurred or billed to counties via tax assessments for water and sanitary RSIDs and MSSDs.

EXPLANATORY COMMENT: This Resolution only applies to operations for water and sanitary RSIDs and MSSDs. Other types of RSIDs may still assess for building, constructing, acquiring by purchase and maintenance of RSIDs pursuant to 7-12-2101 and 7-12-2108. Operations are direct costs to the county such as wages, supplies and materials incurred by the county.

| SPONSOR: | DAWSON COUNTY |
| RECOMMENDATION: | DO PASS |
| REFERRED TO: | MACo RESOLUTIONS & LEGISLATIVE COMMITTEE |
| ADOPTED: | ANNUAL CONFERENCE – OCTOBER 1, 2020 |
RESOLUTION 2020-05

COLLECTION OF CENTRALLY ASSESSED COAL GROSS PROCEEDS TAXES

It is the intent of the Montana Association of Counties to establish laws pertaining to collection of coal gross taxes that are centrally assessed by the State of Montana, but the burden of collection of which is placed on the counties.

WHEREAS, Montana Code Annotated [hereinafter MCA] 15-23-7 addresses Centrally Assessed Coal Gross Proceeds Taxes; and

WHEREAS, MCA 15-23-703 requires that the department of revenue to compute a tax roll based on the value of the coal gross proceeds reported to it by coal producers, which in turn the department will send to individual counties, who must then notify the coal producers causes unnecessary work; and

WHEREAS, the department is capable of collecting and distributing taxes paid on centrally assessed property (MCA 15-23-2) and sending notices of amounts due (MCA 15-23-4); and

WHEREAS, without citing any statutory authority the Chief Deputy of the Office of the Attorney General suggested that individual counties can enter into agreements to defer payment and gave an example of an agreement contemplated by the State of Montana, even though such an agreement would leave local entities such as counties and schools with a shortfall; and

WHEREAS, if the State of Montana believes an agreement with a delinquent taxpayer is in the best interests of the State it should leave local entities to bear the burden of being underfunded, but rather the State should take the burden of making sure the local entities are fully funded and the burden of collecting the delinquent taxes.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to authorize the collection of centrally assessed gross proceed taxes upon the State of Montana and the payment of the anticipated proceeds of those taxes by the State of Montana to the local entities who would receive them.

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<td>REFERRED TO:</td>
<td>MACO TAX, BUDGET &amp; FINANCE COMMITTEE</td>
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<td>ANNUAL CONFERENCE – OCTOBER 1, 2020</td>
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RESOLUTION 2020-06

DEFINE SMALL OR UTILITY SCALE SOLAR FARM

It is the intent of the Montana Association of Counties to enable legislation pertaining to solar farms, properly defining a “small” or “utility scale” solar farm and clarifying the taxable classification as Class 13 property.

WHEREAS, counties are seeing increased requests for “utility scale” or “small” solar farm siting; and

WHEREAS, 16 USC 796 (17) defines "small power production facility" as a facility which is an eligible solar, wind, waste, or geothermal facility, or a facility which

(i) produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, geothermal resources, or any combination thereof; and

(ii) has a power production capacity which, together with any other facilities located at the same site (as determined by the Commission), is not greater than 80 megawatts; and

WHEREAS, under MCA 15-6-156 (3)(c) attempts to define in accordance with 16 USC and provides an exclusion from being Class 13 taxable property for qualifying small power production facilities as defined in 16 USC 796 (17); and

WHEREAS, the exemption from Class 13 assessment leads to confusion on how a facility will be taxed and in what classification; and

WHEREAS, building of multiple “small power production facility” solar farms to avoid tax consequences should be prohibited which the exemption promotes; and

WHEREAS, counties are being asked to assess the impacts of these projects on a county and consider tax abatements requested by developers with vague information about the classification of the property and the eligibility under the definition of “small power production facility;” and

WHEREAS, the federal guidance in CFR 292.204 (2)(i) facilities are considered to be located at the same site as the facility for which qualification is sought if they are located within one mile of the facility for which qualification is sought.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to clarify the definition of a “small power production facility” and specify that said facilities shall be classified taxable as Class 13 property.

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<td>Adopted:</td>
<td>Annual Conference – October 1, 2020</td>
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RESOLUTION 2020-07

DISPOSAL OF PROPERTY AT PUBLIC AUCTION

It is the intent of the Montana Association of Counties to revise statutory language to remove the appraised value restriction for property which did not sell at a sale of tax-deed. If two attempts at tax deed sales fail, allow counties to dispose of property at a public auction without requiring a minimum value set by appraisal.

WHEREAS, MCA 7-8-2301 (4) indicates that if bids are not received at a sale of tax-deed land, the board shall order another auction sale of the land under this part within 6 months and may, if required by the circumstances, redetermine the sales price of the land determined in subsection (2); and

WHEREAS, MCA7-8-2301 (5) further indicates that if a bid is not received at the sale conducted under subsection (4), the board may dispose of the land as provided in Part 25; and

WHEREAS, PART 25, requires that an appraisal of the land be required if it has an estimated value of $20,000 or more and further states that the land may not be sold for less than the appraised value; and

WHEREAS, if a property goes unacquired during the tax deed bid process and is then restricted by MCA 7-8-25 the properties likelihood of sale is very low resulting in an ongoing burden for maintenance with no solution.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to remove the minimum appraised value provision for properties that failed at tax deed sale and enable the County Commission to determine or negotiate a sales price.

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RESOLUTION 2020-08

DISSOLUTION OF RURAL SPECIAL IMPROVEMENT DISTRICTS

It is the intent of the Montana Association of Counties to amend laws pertaining to dissolution of special districts.

WHEREAS, MCA 7-12-21, provides for the creation, maintenance, and operation of rural improvement districts in Montana; and

WHEREAS, Counties have converted varying entities and informal associations into the Rural Improvement Districts for maintenance and operating expenses allowed under the provisions of MCA 7-12-21, including road districts or road associations; and

WHEREAS, rural improvement districts in Montana have a well-established process for creation and management but not a clearly identified mechanism for dissolution, which can be confounding when road associations or road districts have been converted to Rural Improvement Districts.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend the law to provide for a clear and clean mechanism for dissolution of rural special improvement districts under MCA 7-12-21.

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<td>REFERRED TO:</td>
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<td>ANNUAL CONFERENCE — OCTOBER 1, 2020</td>
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RESOLUTION 2020-09

ESTABLISHING A MORE EQUITABLE NUMBER & GEOGRAPHICAL DISTRIBUTION OF DISPATCH CITIES

It is the intent of the Montana Association of Counties to seek legislation that requires the Department of Labor to evaluate its selection process for naming dispatch cities in Prevailing Wage Rate determinations and at minimum add additional locations, namely in eastern Montana.

WHEREAS, Montana’s prevailing wage law applies to public works contracts above $25,000, entered into by counties; and

WHEREAS, the determination of prevailing wages, fringe benefits, and travel benefits all impact the cost of county contracts; and

WHEREAS, increases in costs to county public works contracts directly impacts county taxpayers; and

WHEREAS, within the four (4) Prevailing Wage Districts there exist seven (7) “Dispatch” cities from which Zone Pay and Travel Pay is determined

WHEREAS, each of Districts 1-3 have two dispatch cities and Zone 4 only one; and

WHEREAS, District 4 represents the largest geographical area of any District and has only one Dispatch city the impact on taxpayers in that region is disproportionate.

NOW, THEREFORE BE IT RESOLVED, that the Montana Association of Counties will seek legislation that mitigates or eliminates the arbitrary adverse impacts to local capital project costs in some areas of Montana as a result of the designation of, location of, and number of currently designated dispatch cities.

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<tr>
<th>SPONSOR:</th>
<th>MACo COMMUNITY, ECONOMIC DEVELOPMENT &amp; LABOR COMMITTEE (ORIGINATING COUNTY: CUSTER COUNTY &amp; RICHLAND COUNTY)</th>
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RESOLUTION 2020-10

LEASING OF COUNTY PROPERTY

It is the intent of the Montana Association of Counties to seek legislation to allow local governments more freedom to lease county owned land for specific purposes for up to 40 years.

WHEREAS, Montana Code Annotated (MCA) 7-8-2231 establishes authority for county governments to lease county property; and

WHEREAS, the board of county commissioners make a determination that the property is not necessary for the conduct of the county’s business; and

WHEREAS, county governments often work in conjunction with partners to develop projects to benefit the community; and

WHEREAS, county governments working with partners need the ability to lease property for more than 10 years to allow for partners to secure funding; and

WHEREAS, MCA imposes this restriction on counties but not municipalities.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend MCA 7-8-2231 to allow for leasing up to 40 years.

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<th>SPONSOR:</th>
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<td>RECOMMENDATION:</td>
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<td>MACo LAND USE, PLANNING &amp; DEVELOPMENT COMMITTEE</td>
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RESOLUTION 2020-11

LOCAL GOVERNMENT SPECIAL DISTRICT REVENUE

It is the intent of the Montana Association of Counties to amend laws pertaining to financing for special districts to allow dedicated federal revenues to be directed towards special districts by a governing body.

WHEREAS, Montana Law, MCA 7-11-1024, provides for the financing of special districts in Montana and does not contain a provision where Counties can directly dedicate federal funds for the costs and expenses of the special district; and

WHEREAS, Counties are the direct recipients of certain federal funds to be used for specific governmental purposes; and

WHEREAS, Special Districts in Montana are often created to provide like services for the benefit of the people and property in the special district; and

WHEREAS, adding a provision allowing the governing board to direct federal funds to a special district may benefit the county, and the entire State of Montana, by not having the federal payment be considered a prior year payment and applicable offset for Payment in Lieu of Taxes.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend the law to expressly authorize local governments in Montana to direct eligible federal revenues to special districts.

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RESOLUTION 2020-12

LOCAL OPTION MOTOR FUEL EXCISE TAX

It is the intent of the Montana Association of Counties to amend laws pertaining to the local option motor fuel excise tax to allow implementation leveraging existing state-level infrastructure because it is inefficient for local governments to create similar infrastructure, and because taxing fuel at the retail level raises trade secret concerns for businesses.

WHEREAS, local government funding for transportation infrastructure consistently falls behind the increasing demand for maintenance, repair, and construction; and

WHEREAS, MCA 7-14-301 authorizes counties to impose a local option motor fuel excise tax; and

WHEREAS, MCA 7-14-302 allows counties to use such motor fuel excise tax for the construction, reconstruction, maintenance, and repair of public roads and streets; and

WHEREAS, MCA 7-14-301 requires the tax to be imposed on gasoline sold to the ultimate consumer within the county for use in motor vehicles operated on the public roads and highways of this state, and

WHEREAS, retailers have expressed that taxing at the level of the ultimate consumer instead of at the distributor level raises trade secret concerns for their business by providing compilations of information that have inherent economic value because they are not generally known or readily ascertainable by others; and

WHEREAS, the State of Montana currently collects a fuel tax at the distributor level through the general motor fuel excise tax and the Bridge and Road Safety and Accountability Act; and

WHEREAS, MCA 15-70-124 authorizes the State of Montana to make agreements with other governmental entities relating to the administration and taxation of gasoline (although counties are not listed at this time).

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend statutes to allow local governments to utilize the State of Montana’s administrative infrastructure to implement the local option motor fuel excise tax at the distributor level.

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RESOLUTION 2020-13

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 53-21-119 refers to the “right of the respondent to be physically present;” and

WHEREAS, MCA 53-21-140 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 often times dangerous transports of individual respondents.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend MCA 53-21-119 to remove the word “physically,” and to amend MCA 53-21-140 in its entirety and specifically indicate that two-way electronic audio-video communication meets all presence requirements.

Sponsor: GALLATIN COUNTY

Recommendation: DO PASS

Referred To: MACO JUSTICE & PUBLIC SAFETY COMMITTEE

Adopted: ANNUAL CONFERENCE – OCTOBER 1, 2020
RESOLUTION 2020-14

PUBLIC LAND USE SUSTAINABILITY

It is the intent of the Montana Association of Counties to seek legislation to authorize the State to reimburse 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.

WHEREAS, when Montana formed in 1889, Federal law envisioned an even 6% distribution of State trust lands among townships (which became counties); and
WHEREAS, State trust lands are tax-exempt, which reduces the tax base of contributing counties; and
WHEREAS, the highest contributing counties are mostly rural and have limited prospects for boosting taxable values; and
WHEREAS, trust land revenue is distributed statewide, without preference to the amount of a county’s contribution; and
WHEREAS, 20 counties with the highest percentage of tax-exempt State lands struggle to sustain their economies and provide public services; and
WHEREAS, 13% of Montana’s residents living in 20 counties generate 41% of State Trust land revenue; and
WHEREAS, county road departments bear the bulk of maintenance costs to provide public access to State lands; and
WHEREAS, Montanans value their rural counties and public use of State lands; and
WHEREAS, PLUS (Public Land Use Sustainability) is a proposed financial partnership to support rural sustainability; and
WHEREAS, PLUS is a permanent solution to share State land lease revenues with counties maintaining a surplus of tax-exempt State trust lands; and
WHEREAS, any county maintaining more than 6% of total county acres of tax-exempt State trust lands would be known as a PLUS county and qualify for PLUS funds.

NOW, THEREFORE BE IT RESOLVED, the Montana Association of Counties seeks legislation to establish and fund a permanent lease revenue-sharing account for the benefit of 20 Montana counties with more than 6% acreage in the State Trust land program.

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RESOLUTION 2020-15

PUBLIC NOTICE & PARTICIPATION CRITERIA FOR REQUESTS FOR EXTENSION OF SUBDIVISION PRELIMINARY PLAT APPROVALS

It is the intent of the Montana Association of Counties to allow amend Section 76-3-610, MCA, to include public notice and public participation criteria.

Whereas, Section 76-3-610(1), MCA sets for the time period for approval of subdivision preliminary plats and the process for requests for extension of subdivision preliminary plat approvals; and

Whereas, Section 76-3-610(2), MCA states that after subdivision preliminary plat approval, additional conditions cannot be imposed as a prerequisite to subdivision final plat approval; and

Whereas, Section 76-3-610(1), MCA does not set forth a process for public participation when a request is made for extension of a subdivision preliminary plat approval; and

Whereas, Section 76-3-610(2), MCA does not allow the public to make meaningful comments during public participation as no additional conditions can be imposed as a prerequisite to subdivision final plat approval.

Now, Therefore Be It Resolved that the Montana Association of Counties will seek to amend the Montana Subdivision and Platting Act to amend 76-3-610, MCA to include public notice and public participation criteria for requests for extension of subdivision preliminary plat approvals.

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<th>Sponsor:</th>
<th>MACo Land Use, Planning &amp; Development Committee (Originating County: Ravalli County)</th>
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<td>Referred To:</td>
<td>MACo Land Use, Planning &amp; Development Committee</td>
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<td>Annual Conference – October 1, 2020</td>
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REVISE DEFINITION OF WILD BUFFALO & WILD BISON

It is the intent of the Montana Association of Counties to clarify wild bison or wild buffalo as bison or buffalo that have never been subject to livestock tax.

WHEREAS, “wild” should mean roaming free from birth to death; and

WHEREAS, MCA 81-1-101(1)(6), “wild buffalo” or “wild bison” means a bison that has not been reduced to captivity and is not owned by a person; and

WHEREAS, MCA 87-2-101(14), “wild buffalo” or “wild bison” means buffalo or bison that have not been reduced to captivity; and

WHEREAS, MCA 87-6-101(37), “wild buffalo” means buffalo or bison that have not been reduced to captivity; and

WHEREAS, those definitions do not provide enough clarity given that buffalo and bison may be livestock or wild animals.

NOW, THEREFORE BE IT RESOLVED that MACo will seek legislation to clarify that to be considered wild bison or wild buffalo means to never have been subject to livestock tax.

Sponsor: 
Garfield County

Recommendation: 
Do Pass

Referred To: 
MACo Agriculture Committee

Adopted: 
Annual Conference – October 1, 2020
RESOLUTION 2020-17

SETTING SPEED LIMITS

It is the intent of the Montana Association of Counties to seek legislation to allow local governments more freedom to set reasonable context-sensitive speed limits while responding proactively to address constituent concerns.

WHEREAS, Montana Code Annotated (MCA) 7-14-2113 establishes authority for county governments to set speed limits; and

WHEREAS, MCA 61-8-310 places limits on county governments in establishing speed limits; and

WHEREAS, the Manual on Uniform Traffic Control Devices (MUTCD) is adopted into law by reference in all fifty states and promotes the use of engineering investigations and judgment in establishing speed limits; and

WHEREAS, county governments desire to promote safe travel for all modes of transportation through the implementation of context-sensitive speed limits in response to community or citizen concerns; and

WHEREAS, it is necessary to amend MCA 61-8-310 to accomplish this; and

WHEREAS, some county subdivisions are built to urban/suburban standards and may warrant speeds less than 35 MPH; and

WHEREAS, any deviation in speed reduction shall be supported by an engineering investigation to determine a safe speed; and

WHEREAS, it is not our intention to amend/effect subsection 2 of the existing statute.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend MCA 61-8-310 to allow counties to set speeds at less than 35 MPH on paved roads in suburban subdivisions when warranted by an engineering investigation.

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# Policy Statements

## 2020 - 2021

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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.
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.
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 efforts to provide adequate state funding for local aging services that do not reduce county revenue sources.

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.
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 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.
**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.
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 believes human communities and economies deserve primary consideration when setting federal and state land policies.
7. 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.

8. 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.

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

10. 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.

11. 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.

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

13. 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 to the principles of the Multiple-Use Sustained Yield Act of 1960.

14. 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.

15. MACo believes in state primacy in water resources administration, management and allocation.
16. MACo opposes changing the definition in the Clean Water Restoration Act from “navigable waters” to “Waters of the U.S.”

17. 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.]

18. 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.

19. 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.

20. 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.

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

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

23. 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.

24. MACo also believes that lands should be managed with consideration of the potential costs of remediation after a severe fire event.
25. 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.

26. 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.

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

28. 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.

29. 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.

30. MACo supports requiring regulation of bison by the Montana Department of Livestock to cross county lines.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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**

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.

1. 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.

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 (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.

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

10. 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.

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

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

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 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.

15. 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).

16. 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.

17. 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.

18. MACo supports allowing counties to be involved in determining tax classification for new and expanding industries in Montana.
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 coordinates transportation planning for all units of local government.

3. MACo consciously uses and plans 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 works with individual counties to develop 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 maintains 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 the traditional role of the Local Technical Assistance Program at MSU to provide technical assistance, safety and operator training, and risk management to local government employees across the state and opposes diverting LTAP resources to grant writing and research, believing such diversions will weaken 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.)