

EXHIBIT 3
DATE 3.31.05
SB 116

March 30, 2005

House Local Government Committee
Montana Legislature
Capitol Building
Helena, MT

RE: SB116 and SB290

Chairman Noennig and Members of the Committee:

In testimony before committee yesterday on SB116 and SB290 the committee was urged to disregard MARLS proposed amendments to both bills because MARLS chose not to participate with the interim committee group (HJ37). Perhaps the chastisement is deserved, but I'd like to clarify a couple things.

MARLS lobbyist, Jim Kembel, did attend every meeting of the group so we were always aware of the groups activities and we did make comments, generally through Michael Kakuk. For the most part, if not totally, the people who participated in the group were paid by some entity for the time they spent. Every meeting was held on a week day during business hours and the majority of the meetings were from last spring thru fall which is the busiest time of year for our profession.. The vast majority of the MARLS membership is in private practice and any participation in a group such as this is time away from work resulting in a loss of income.

I represented MARLS in the 1980's EQC interim attempt to re-write the Subdivision and Platting Act and spent literally hundreds of hours away from my business in that endeavor which resulted in absolutely nothing as the bill was killed in committee (MARLS was an opponent).

It appears there will be another interim committee to work on the Subdivision and Platting Act per SJ11, and based on hindsight I will obviously take a different approach. Drafting legislation by consensus is plausible, but not necessarily the best solution. Due to the difference in ideologies of the participants, it is unrealistic to think that the best legislation is that derived from a consensus of interests as diverse as MARLS, representing our clients, and the Smart Growth Coalition, representing a national planning and growth agenda, for instance. Someone has to walk away dissatisfied.

MARLS appreciates the efforts of those who actively participated with the group and harbors no "sour grapes" as to the drafting of either bill, though it is obvious from the content that some of those representing special interests had significant input.

As professionals who work with the Subdivision and Platting Act (Sec. 76-3-101, et. seq., M.C.A.) and the Sanitation in Subdivisions Act (Sec. 76-4-101, et. seq., M.C.A.) on a daily basis, we are simply suggesting amendments that we feel will make either bill better legislation.

I urge you to consider the MARLS amendments during committee action on SB116 and SB290. If any committee member has questions, I can be reached at nearly any time. Thank you for your consideration.

Best regards,

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