Senate Local Govt. Comm.
Exhibit No. 3
Date JAN. 25, 2005
Bill No. 185

TESTIMONY OF ALAN TOWLERTON
DEPUTY PUBLIC WORKS DIRECTOR, CITY OF BILLINGS
IN SUPPORT OF
SENATE BILL 185
JANUARY 25, 2005

My name is Alan Towlerton. I am the Deputy Public Works Director for the City of Billings and I am here today to offer support for the impact fee legislation as proposed in Senate Bill 185 with some amendments that I will address in a moment. While the City of Billings believes that these types of programs and issues are best handled at the local level and that overarching legislation is not needed, we also believe that any legislation that is enacted should grant local jurisdictions the maximum amount of flexibility to address their service needs considering their specific conditions. We believe that the proposed Senate Bill 185 comes closer to accomplishing this goal than its companion bill 158, thus our support for 185.

Our comments regarding specific items in the proposed bill are:

- Section 2 (1) – **Calculation of impact fees** – we suggest the language regarding the needs assessment be clarified to indicate that this assessment need not be a separate document if the entity has an existing process or document that will fulfill this need. For example, the City of Billings has an ongoing Capital Improvement Program that encompasses a multi-year period and outlines needed improvements in various areas of the City.
- Section 3(1) – **Collection and expenditure of impact fees** – this section indicates that the governmental entity "may" consider the listed requirements. We are unclear if the author's intent was to mean "shall". We believe the permissive tense may create confusion on down the line.
- Section 3(2) – **Collection and expenditure of impact fees** – we suggest that the timing of the fee collection be left to the local jurisdictions. We believe this issue may indeed vary from location to location and may also vary depending on the facilities the impact fees address. The review and approval process may also vary among entities, thus necessitating the need for different time frames.

Thank you for your consideration of our comments in this important matter and I am available for questions.