

Testimony on SB 216 Fee Per Household for Conservation Easements

1/26/05 Senate Natural Resources Committee

Mr. Chairman and distinguished Senators,

On behalf of the Gallatin County Commission I want to thank you for the opportunity to testify in support of this important piece of legislation. Senate Bill 216 is bill introduced at the request of Gallatin County and the Montana Association of Counties. By making this small change to the Montana Open Space and Voluntary Conservation Easement Act we hope to bring another option to local governments across Montana.

Currently the Open Space Act only allows a local government the ability to utilize general obligation bonds or a mill levy to fund projects under the Open Space statute. Our proposal was to allow a third option for the people of a city of county by adding the ability to use a set fee per household.

The original draft you have in front of you was intended to simply add the language allowing a fee per household. After further review by legal council it was determined that we needed to strengthen the conditions that a fee per household could be implemented by a local government. Working with Senator Lind and Legislative Council we have proposed the amendments included in the draft of today's hearing.

It was important to clarify through these amendments that a fee per household could only be implemented through a vote of the people. Additionally language was added to clarify the terms of the how the fee per household would be used. As is described in amendment three part (c) the petition must include the purpose that the money will be used for, the approximate amount to be raised, and the durational limit, if any, on the fee.

The addition of these provisions vastly improves the legislation by adding flexibility to the uses of this funding mechanism. The fee per household could be implemented for a short term to pay for a specific project, or could be used for ongoing maintenance of parks or facilities created under the Open Space Act.

Amendment four is important since it clarifies in statute what constitutes a household for the purposes of implementing a fee assessment, "a single residence or a single unit in a multiunit residence."

The reason we considered adding a fee per household to fund projects under this statute was to include a source of revenue that could be imposed by the vote of the people that would not have a large impact on business or commercial properties. As you are aware, if a levy is used or a general obligation bond is passed under the Open Space Act the cost to commercial and business property is substantial. While it may only cost a few dollars for the average home, the cost to a business can be much larger.

Funding that was received from a fee per household could be used for any project allowed under the Open Space Act. That would include; "park and recreational purposes; conservation of land and other or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community."

Again thank you for your assistance in the important matter.

Michael Harris  
Gallatin County Open Lands Coordinator and Legislative Liaison