

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



JOHN WALSH
LT. GOVERNOR

April 22, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 147 (SB 147), "AN ACT REVISING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF A SUBDIVISION APPLICATION WITH REGARD TO IMPACT ON ADJACENT AGRICULTURAL OPERATIONS; AMENDING SECTION 76-3-608, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Locally-elected officials are best suited to decide the impacts to their communities from subdivision development, including the impacts of that development on agriculture. Under current law, a local governing body must review a subdivision proposal for its impact on agriculture. This provides the opportunity for local officials to consider a proposed subdivision's impact on adjacent agricultural operations, as well as the overall impacts the conversion of land from agriculture to urban uses will have on agriculture in the area. Certainly, how locally-elected officials choose to look at this issue will reflect the specific values of that particular community.

SB 147 significantly limits the ability of locally-elected officials to reflect community values. It restricts the local governing body's review to the proposed subdivision's impacts on adjacent agricultural operations. This would prevent a local official from considering the larger and cumulative impacts to agriculture as a part of the community.

Agriculture is a vital part of Montana's economy and culture. When evaluating a proposed development, a local community must be able to consider both short and long term agricultural impacts.

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Protections are in place to make sure that this important power is not abused. The Montana Subdivision and Platting Act provides that the local governing body may not unreasonably restrict a landowner's ability to develop land, the Montana and United States Constitutions protect landowners from unconstitutional development conditions, and judicial precedent prohibits local elected officials from being arbitrary or capricious in their actions.

I respectfully ask you to sustain my veto.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve Bullock', with a long horizontal flourish extending to the right.

STEVE BULLOCK
Governor

cc: Legislative Services Division
Secretary of State