

April 10, 1975

Section 6, the one that drew the most questions in the preliminary debate we held yesterday, had to do with powers granted to the State Office of Planning and Programming. This is the first mention of any kind of direct state involvement. I would like to ask you to take a look at the bill. Specifically turn to page number 6 and look at the information beginning on line 18. That's page 6, line 18. This delineates the responsibilities in a positive and then in a negative vein. The state agency is to ensure that such procedures, practices, and related actions are consistent with state laws that relate to land use regulation. That's all they're to do. To make sure that's all they do, go on to the next sentence. Specifically to be excluded from such examinations are matters consistent with state statutes which relate to deficiency, efficacy, or constitutionality of the regulatory and planning techniques utilized in local programs. In other words we're not setting up a state agency that's secondguessing local political subdivisions in their land use programs. I feel strongly that land use regulation should be handled by local officials, wherever possible. I feel that the land use law we have today is adequate for the most part. It needs to be clarified in portions. We're going to handle that, I hope, later in the session. The penalty requirements are also set off in Section 6 and they're rather interesting. I think they are, apparently, the type of penalty arrangements that are not severe, that are aimed at cooperation and not penalization. This is apparently the way that the League of Municipalities sees it and the association of county officials. Here's the way it works, if the State Office of Planning and Programming finds, in its annual review, that the political subdivisions are not following state statutes then they are to provide a confidential report to the local governing body outlining where discrepancies exist. Then after a period of time which is sufficient for them to move such deficiencies, if they still have not acted to bring into conformance with state statute their procedures, then the State Planning Office simply publishes a notification of those deficiencies in a local newspaper. That is the penalty. How's that effective? It subjects, potentially, and reality I would suggest the local political subdivision to lawsuits of significant number and size. So the incentive is there for them to conform, but it's handled in a manner that will not embarrass the local political subdivisions. I feel it will probably be extremely effective in bringing around the local political subdivisions to a correct following of law. We're helping them by relieving some of the burden on small communities and shifting it upward to larger cities or counties, at the request of the political subdivisions of small size. We are also not embarrassing them, because I feel the intent to follow state law exists in almost every political subdivision in the state. The capabilities and the knowledge are the problem. Now that outlines my initial comments on the bill. I will take as much time to answer questions as anyone wishes to give me. I'd welcome any kind of questions or comments, in other words.

PRESIDENT: Senator Warner.