Historical analysis of the Montana planning program

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AN HISTORICAL ANALYSIS

of

THE MONTANA PLANNING PROGRAM

by

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The origin of planning lies obscured with the origin of history. To a greater or less degree all civilized states reveal traces of planning. In the main this took the type specially adapted to military defense and offense. Other plans were used to further commercial and economic interests. The Great Wall of China which was completed in 214 B.C. is an example of the combination of these interests. The walled cities that arose over the western world are evidences of plans from the military point of view. Amenhotep IV had the city of Tel-El-Amarna in Egypt, constructed circa 1350 B.C. for purely religious purposes. The market places of Jeruselem as well as the city did not "just grow". The elaborate construction and design of the world famous Roman roads were the result of a very careful design or plan. More recently the work of Baron Hausermann in the re-building of Paris served both the esthetic and the military. The influence of L'Enfant has had a tremendous influence upon the development of the city of Washington D.C. Aside from cities and states the influences of planning is to be noticed in the construction of railroads and canals in this country. No one would seriously content that the network of rails that cross this country was the result of indiscriminate building, mis- and mal-planning to the contrary notwithstanding. The point that the writer wishes to stress is that in all this planning the plans have, until very recent times, in practically all instances been in the hands of and eminated from the minds of the few who either were in a position of power to command or had a personal interest
 therein. In other words planning has been the child of the powers that be rather than that of the public at large. The instances, and they are not few, wherein civic minded men and groups have influenced the development of plans, particularly in city planning, still remains examples of the influence of the few. Roughly about three years ago this country embarked upon a course of national planning that was decidedly new in the respect that the public as a whole was to take part in the development of the plans to be put into operation.

That planning is an actuality is no longer a moot question. During the recent years there has been a recognition of the need for a coherent and coordinate plan and plans in order to secure the economic and social stability that is possible for the citizens of this country to enjoy. The marked speed and universal acceptance of the idea of planning both nationally and locally has led to not a little confusion in the minds of those actively participating in the programs as well as in the mind of the public. To many the term has bid fair to become a fetish and is looked upon as a sort of snare whereby visionary ideas instead of reasoned plans are made to evolve. As rapidly as the work of planning and its benefits become known will that mistaken thought disappear. As stated at the outset, planning is here and it is the purpose of the writer to set forth what has heretofore been done by the various agencies in the furthering of their work and to a limited extent what is hoped can and will be done in the future.
Under authority of the National Industry Recovery Act, the Honorable Harold L. Ickes, Secretary of the Interior, in July 1933, appointed the National Planning Board. This Board consisted of Frederic A. Delano, chairman, and Professor Charles E. Merriam of the University of Chicago and Dr. Wesley C. Mitchell of Columbia University together with Mr. Charles W. Eliot II as Executive Officer. The purpose of the Board was to serve as an aid to the program of the PWA and one of its principal works was to encourage and aid planning in the several states. Following this thought it met in several of the larger cities of the country in an effort to secure both information and universal cooperation as far as possible for the PWA program.2

Among the early efforts of the Board was the division of the country into regions and the appointment of a Regional Adviser through whom plans and projects could more properly be handled at Washington. Montana, due to its rather peculiar location, was originally to have been included with that district or region wherein the Dakotas are located but was finally included in the 5th Region consisting of Oregon, Washington, Idaho and Montana.3

1. 48 Stat. at Large, pt. 1, p. 195; Ch. 90. See also Executive Order # 6785.
It is to be noted that Montana is roughly divided by the Rocky Mountain Range, the western part of the State normally falling into what is known as the Columbia River Basin and the eastern part into the Missouri River Basin. The interests of the two parts of the State are considerably divergent. Inasmuch as that part east of the divide is of a semi-arid nature and devoted to stock raising whereas the western part of the State is devoted more extensively to agricultural pursuits, it was with some difficulty that a division was arrived at that finally placed Montana in the Northwest Region. While the mere fact that it has been associated with the Pacific Northwest officially, it is not to be thought that the eastern part of the State, whose interests primarily are more like those of the Dakotas and Wyoming, will be neglected by the planning program necessary for the development of that area. It might be noted, however, that the state water conservation program, which is the program in which the western part of the State is more vitally interested, was the first program to be adopted by the State Planning Board as will later be shown.1/

Mr. Marshall N. Dana was appointed Advisor for Region V and immediately set about to secure the creation of state planning boards in the several states in order that a conference might be had. The legislatures of Washington and Montana, by enactment,2 created such boards and the Governors of the other

1. Interview with R.B. Haight, supra
two states accomplished the same end by executive decree.\textsuperscript{1}
State planning boards were appointed in January 1934 in three of the states and by the fourth (Washington) in February of that year. Immediately following was the creation of the Pacific Northwest Regional Planning Commission consisting of the chairman, or other representative, of each state board with the Regional Adviser as the fifth member and chairman of the Board. It was decided that a conference should be called and the dates of March 5th, 6th, and 7th were set by the chairman who issued invitations to attend to representatives of legislative and executive branches of Federal, state, county and municipal governments, educational institutions, and civil, civic and business bodies of the four states.\textsuperscript{2}

The official or legal status of the Commission is, as far as the writer has been able to learn, entirely lacking except insofar as expediency coupled with the now custom and usage warrants its existence. Its work has been carried on by the voluntary cooperation of the various state and federal representatives together with the aid of a small staff furnished by the National Planning Board and later the National Resources Board.\textsuperscript{3} The members of the original Commission were, E.F. Banker, Washington; C.M. Thomas, Oregon; E.A. Cox, Idaho; J.C. James, Montana; Marshall N. Dana, Chairman and R.F. Bessey, Planning Consultant.

The objects of the conference of March, 1934 were stated as follows:

"1. To consider the integration of public works projects, both Federal and non-Federal, and both authorized and proposed, with other interests of cities, states, drainage areas, and the region, in the Pacific Northwest.

2. To formulate and adopt general plans and policies for the preparation of controlling plans as a guide for development in the Pacific Northwest, with such public works projects of all kinds may be harmonized.

3. To bring together Federal, state and local officials and other interested in the various phases of planning — land resources and power, commerce and industry, transportation, utilities, communities, welfare and instruction — and adopt directive policies for the organization and maintenance of planning work throughout the region."

In view of the fact that this was the first meeting of its kind ever held in this country the results were most gratifying. Some five hundred interested and active persons attended the conference which is indicative of the interest shown. Most important of all was the realizing of a start toward the hoped for goal. The administrative setup became sufficiently clear that each state board could continue its work with, at least, a working knowledge of how it might become effective.

In the report and recommendations submitted at the end of the conference it was suggested that the National Planning Board establish the necessary agencies for each region to properly correlate the particular findings and suggestions of each state and locality. It was urged that the National Board use its influence to secure the necessary appropriations to finance such work. That maps be secured when possible and prepared if nec-

2. Ibid, p. 115 et. seq.
necessary showing conditions relative to soil, economic, social, biological and pathological conditions. Under section 3d in the closing part of the report it was stated clearly that the policy of the conference was to be that of a fact-finding and fact-coordinating body and that "it shall not be within its province to pass upon nor to indorse projects other than fact-finding or planning projects". It may be said that this initial meeting gave the needed impetus to planning in this region.

On June 30th, 1934, the National Planning Board was abolished and in its stead the National Resources Board established. This latter Board consisted of the Secretary of the Interior (chairman), the Secretary of War, the Secretary of Agriculture, the Secretary of Labor, the Federal Emergency Relief Administrator, Frederic A. Delano, Charles E. Merriam and Wesley C. Mitchell. The last three named persons were to constitute an advisory board to which additional members might be added at the discretion of the President which happened at the appointment of Charles W. Eliot 2nd as Executive Officer.

It was stated that "the functions of the Board shall be to prepare and present to the President a program and plan of procedure dealing with the physical, social, governmental, and economic aspects of public policies for the development and use of land, water, and other national resources, and such related subjects as may from time to time be referred to it by the President".

Under this new set up Marshall N. Dana was continued as chairman of the Pacific Northwest Regional Planning Commission which region has since been known as District No. II.

1. Portland Report, supra, p. 117.
2. Executive Order # 6777.
3. Ibid.
4. Ibid.
Cognizant of the need for legislation in the several states of the District, Mr. Dana called a meeting\(^1\) to be held in Seattle, Washington, on December 12th, 13th, and 14th, 1934 in order that the proper needs might be ascertained for placement before the several legislatures that were to convene the following January. The resulting effects of this meeting are set forth in chapter IV as a digest of the laws enacted in as brief form as possible without slighting their context.

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CHAPTER II

The National Planning Board from the time of its creation issued, from time to time, circular letters for the benefit of all bodies engaged in planning work. Under date of December 11th, 1933 the fifth of these letters was released. At that time, it will be recalled, little by way of an administrative setup had been formulated. The letter just mentioned gave several very helpful suggestions toward the remedying of this condition. It was suggested primarily, that state boards be formed either by legislative enactment or by executive decree and the type board as regards personnel that should be formed. It requested that the Governor of the state give assurance that the forthcoming meeting of the legislature would take up and pass the necessary laws for the perfection of such a program. That the existing State Offices lend their technical or other assistance to the then CWA in the furtherance of its program. That the planning board immediately upon appointment of organization continue with whatever work had theretofore been done in the way of planning and develop as rapidly as possible a long time plan for the respective state. Under this was specifically mentioned land-use planning, a ten-year program for public works and a study of the transportation system. Following this were suggestions for the formation of the planning board with an example of what had been done in Massachusetts. Under the subhead "Procedure for Studies" it was proposed that map material be collected showing the existing conditions; collection and arrange-
ment of Public Works projects then proposed for construction and proposals for future development. Under "Approaches and Items for Consideration" the following topics were each given some detailed discussion: Public Works program, land planning, transportation, housing, population and the social survey, conservation of natural resources, recreation, distribution of industry, water resources, fiscal programming, and governmental reorganization.

The actual extent to which this letter affected the planning program in Montana is unknown to the writer but in January following there was created a State Planning Board. Following was the meeting at Portland, Oregon, which has been mentioned.

The Act first creating the State Planning Board in the State of Montana provided explicitly that it should operate at no expense to the state. This difficulty was met by the action of Montanans Inc. by which title the State Chamber of Commerce is known, by their assuming the expense of administration of planning activities in this state. In the year 1934 a submitted estimate of the expense totaled $3,294,133 without which aid and assistance the program in the state would of necessity become stagnated. This body worked in close conjunction with the Planning Board at all times and has been of great service to the state in those activities.

1. Supra, p. 5.
The initial organization for planning in the state was instituted at a conference held at Helena on March 26, 27 and 28 of 1934. Approximately three hundred registered delegates attended who represented all the counties of the state. There it was decided to divide the state into twelve districts and appoint an Adviser to head each of the districts. These twelve Advisers together with the State Relief Administrator and the Public Works Engineer were to constitute a State Advisory Planning Council to aid and assist the State Planning Board. Due to the fact that the State Planning Board and the State Water Conservation Board are composed of the same members and that the latter preceeded and was generally considered the more important activity it was decidedly important that the State Advisory Planning Council was formed.¹

Each Adviser was charged with the duty of organizing county planning boards in each of the counties that composed his particular district and to act in an advisory capacity to such boards. The report of January 1st, 1935² stated that at that time ten of the districts have held meetings and that forty county boards had been organized.

A technical Advisory Board was appointed by the Governor to assist with the knowledge and materials that they had at hand in the planning program.³

To avoid duplication of effort and to more properly coordinate the work of the various agencies a State Coordinating

² Ibid.
³ Ibid. For membership see appendix.
Committee was set up with the State Planning Consultant as chairman.¹

In addition it was deemed advisable to appoint committees to deal with more particular fields of planning so that they were organized under the following: land resources, water resources, power resources, mineral resources, education, welfare and recreation. Each of these committees was designed to represent the various interests in the state that came under its general purview. To each of these was assigned such technical help as was necessary for the proper completion or furtherance of its work.²

The planning organization of the state of Montana, aside from a few officials who head it, are volunteer workers who have dedicated their time, ability and efforts as well as considerable expense to the furtherance of the work. Such a situation is inherently strong and at the same time weak. Strong in that it appeals to the civic minded type of citizen who otherwise would not engage in the work and weak in that the proper financial assistance has not as yet been provided. It might be well to note at this place that the early efforts of the several Advisers were discouragingly disappointing. The obvious result of the March Conference at Helena, supra, gave rise to a burst of enthusiasm on the part of all the attendants and with a too small understanding they set out upon their work in an attempt to remake the state forthwith. Local boards were

¹ Campbell, op. cit., For membership see appendix.
² Ibid. For membership see appendix.
organized in the various counties and plans submitted through the Adviser to the proper officials at Helena.\(^1\) It had been the stated thought that such was to be the method of procedure and when the expected cooperation from Helena was not forthcoming not a little dissention arose among the Advisers but also in the mind of the public. A general feeling that the entire program was another "fraud" became widespread especially when projects were initiated and put under way by the PWA, CWA, ERA, and FERA without in any way consulting the local boards or their advisers. For several months and to a certain extent it is still true (July 1935) that efforts worked at cross purposes and there was a general mis- and nonunderstanding, not so much of what the Planning Board intended to do but, of the modus operandi to be employed in accomplishing its ends. It reached the point where some Advisers resigned in disgust and considerable harm was done in leaving the false impression in the mind of the public that nothing might be hoped for from the planning program.\(^2\) Fortunately this did not affect the ones actively engaged in the perfection of the administrative setup other than to spur their efforts toward a completion and clarification of their work. During this time the various committees and technical staffs made truly remarkable progress in the compilation of material and the formulation of a state plan.

The Eighth Circular Letter of the National planning Board was issued as of April 23rd, 1934, which set forth examples

1. *Infra,* Chapter V.
2. Interview with Walter L. Pope.
of legislation that might be enacted in conformity to and
fulfillance of the national program particularly as regards the
formation of the State Board. It may be said that this cir-
cular had little other than of the most general effect upon the
legislation later enacted.

It is deemed advisable at this time to devote some
discussion to the financial policies adopted by the PWA in order
to show the means with which the program as worked out by the
planning boards may be accomplished. It has been the stated
policy, although too often lost sight of, of all planning bodies
that they are to act in a purely advisory capacity. The entire
field of planning is decidedly of an extra legal character, a
fact that many engaged in the work fail to recognize the true
purpose and meaning of. The policies of the PWA are of a de-
cided legal character and thus must take precedence over those
of the planning bodies, it being the true purpose of the latter
to conform to the former.

A circular\(^1\) issued as of July 31st, 1933, very
pithily set forth the policies that were to be adopted by the
FWA under which the planning bodies must conform. Under title
II of the National Recovery Act\(^2\) the President established what
is commonly known as the PWA with the Hon. Harold L. Ickes as
the Administrator thereof and delegating to him the authority
vested thereunder.\(^3\) The classes of non-Federal projects elig-
ible for loans are:

1. The purposes, Policies, Functioning and Organization of the
   Emergency Administration, Circular #1. U.S. Govt. Printing
   Office, 1933.
2. 48 U.S. Statutes 195, ch. 90.
3. Executive Order # 6198
(a) Construction, repair and improvement of public highways and parkways, public buildings, and any publicly owned instrumentalities and facilities (such as bridges, tunnels, docks, viaducts, waterworks, electric power and light plants, canals, markets, etc.)

(b) Conservation and development of natural resources, including the control, utilization, and purification of waters, prevention of erosion, development of water power, transmission of electric energy, river and harbor improvements and flood control . . . .

(c) Any projects of the character heretofore constructed or carried on either directly or by public aid to serve the interests of the general public.

(d) Construction, reconstruction, alteration, or repair under public regulation or control of low-cost housing and slum clearance projects.

(e) Any project . . . for the construction or completion of hospitals, the operation of which is partly financed from public funds, and of reservoirs and pumping plants and for the construction of dry docks.¹

In addition private corporations are eligible for loans for the construction of works of a public nature which are self-liquidating in nature.²

The Act provided that the President might, in his discretion make grants of not to exceed 30% of the funds necessary for such projects as are mentioned supra (a)-(e). Further he

1. Circular #1, supra, p. 2,3.
2. Ibid, p. 3.
was empowered to acquire by purchase, eminent domain, or lease with or without the option to buy any property under projects (a)-(e) supra. He might sell any securities acquired by such actions. Finally he was empowered to prescribe such rules and regulations as he saw fit for the furtherance of the program of this the PWA.

The selection of the projects that were to be approved were based upon the social and economic significance of the project, its relationship to the national planned program and the extent to which it would provide employment and purchasing power. The following classes were stated as those that would receive preference:

"1. Waterworks projects not unduly burdening the community with debt and necessary for its health and convenience.
   2. Sewer projects of the same character.
   3. Sewage-disposal projects sufficiently comprehensive to render a river to take system .......
   4. Other projects, like the foregoing, that are regenerative, i.e., tend to stimulate further projects, such as highways, bridges, and tunnels .......

The President in determining whether to allow or withhold the grant, will also consider to what extent the budget of the applicant is balanced or in process of balancing and will prefer those public bodies which put their finances in order.

The grant will not be allowed unless the public body either (a) has power to sell to the United States its bonds in sufficient amount to reimburse the United States for its outlay (less the grant if allowed) in connection with the project and enters into a contract so to do and to complete the project or, (b) has power to convey the site of the project to the United States and contracts so to do, and to pay rental sufficient to reimburse the United States for its outlay less the grant if allowed, and to complete the project, or (c) is in process of securing the necessary powers and the Administrator is convinced that such powers will be obtained, or (d) in special cases as the President may determine.

Sec. 9. The United States will bid par and accrued interest, for bonds to finance projects of public bodies, approved by the Administrator, provided all bonds bear interest at the rate of more than 4% or more. In the event such bonds bear
interest at the rate of more than 4% the difference between 4% and the coupon rate will be refunded by the United States from time to time during the period while such bonds remain in the possession of the United States.

Sec. 10. Bonds and obligations under contract of lease are to be annually amortized pursuant to State statutes and according to the life of the project not to exceed 30 years except in the case of such projects as obviously have a longer life and in no case to exceed 50 years.¹

"Art. III, Sec. 4, The central office (PWA) will appoint and direct a State Engineer, who will advise with the State advisory board. . . .

Sec. 5, The central office will utilize banks of the Federal Reserve system as depositories of securities purchased by the Administrator and as fiscal agents for the disbursement of Federal funds to finance the construction of approved projects. This matter will be covered by bond-purchase contracts to be executed by the applicant and the Administrator.

Sec. 6, The central office will receive projects forwarded by the State boards, by the Reconstruction Finance Corporation, the Federal departments and independent offices, and will consider them in accordance with the policy declarations described.

Sec. 7, The Administrator will designate an officer whose duty it will be to register the comprehensive program as projects, Federal and non-Federal, are from time to time approved by the President, or by the Administrator under his direction. . . ."²

What is meant by the foregoing is simply that the United States will finance any approved public works project either by a purchase of the bonds issued or by leasing the project and then renting it to the public body who will pay for it in that manner. In either event the 30% grant of funds is deductable from the cost of the project if it is allowed.

Further in regard to the bonds it was stated³ that the 30% grant might be used to pay the principle and interest payments for the first four or five years. This is the explana-

1. Circular # 1, supra,
2. Ibid, p. 10, 11.
tion of the statement so commonly voiced when an election was in progress for the issuance of bonds to build a school or court-house or whatever the project was to the effect that "we don't have to pay anything back for five years". While literally true it is a question in the mind of the writer whether the public realized that that was where the 30% grant was to be used. There was the one exception worthy of notice. In the event that a project was approved by the Administrator but paid for wholly from the private resources or by the private sale of obligations of the public body that in that event the 30% grant would be allowed and was thus in a sense a pure gift, provided however "the public body enters into a contract with the United States whereby the project is constructed under the conditions of section 206 and the requirements of part I, article I, sections I to 3 inclusive, of this circular." The proviso meant that it must be a public works project, and that the code labor and wages provisions be met.

A decidedly different attitude was taken toward loans on private projects. Loans would be made if it were satisfactori-ly shown that: the work was necessary, that the work would be done under and in accordance with the provisions of the NIRA Act, that the loan be fully protected, that it bear 5% interest, that at least 50% of the loan be liquidated in ten years, that the project be self-liquidating in character, and that it will not compete with existing adequate facilities.

1. Circular #1, supra, Part I, Art. 5; Sec. 6; Case 6; p. 15.
2. Ibid.
3. Ibid. Part II, Art I, Sec. 2; p. 16,
Certain provisions, among others, that are worthy of particular notice are:

"The administrator will supervise and police (italics mine) the performance of contracts, including the labor and wage provisions."¹

The regional adviser will consider (italics mine) State plans and apply, as far as practicable, the statement of functions of the planning board.²

The engineer (State engineer PWA) will be appointed and directed by the Administrator and responsible to him. The engineer will be the executive officer of the board ³ . . . "³

It is to be seen that there is a ring of authority in all statements that apply to the PWA as opposed to the permissive tenor of those that deal with the planning bodies. In other words the PWA says "Thou must" whereas the planning body can only say "Thou ought". This is offered as the principle explanation for the confusion and conflicting efforts that arose when the local planning boards first "went into action". The PWA State Engineer had already been operating for several months under an established method of procedure and it is clearly understandable that in many instances he was proceeding upon a plan long worked out when it appeared to the local newly organized county planning board that he was usurping, in their opinion, certain perogatives. This condition will, of necessity, adjust itself with the passage of time.

¹. Circular #I, supra, Part I, Art. 5, sec. 7; p. 15.
². Ibid. Part I, Art. 6, sec. 1; p. 15.
³. Ibid. Part I, Art. 7, sec. 1; p. 15.
CHAPTER III

The Department of Agricultural Economics of Montana State College prepared a bulletin on Land Use Planning in Montana that was given general distribution among the various agencies of the state that were engaged in that work. In it were set forth some of the findings of the department together with some suggestions as to the best procedure for coping with that problem.

First, in order to determine the productivity of the soil it was proposed that the state be classified under the three heads of farming, grazing, and irrigated lands and that maps showing that be compiled. Farming land to be further classified according to its ability to raise wheat as follows:

- 22 bushels or over: 1st class farm land.
- 18-21: 2nd class farm land.
- 13-18: 3rd class farm land.
- 9-12: 4th class farm land.

Grazing land to be further classified according to its carrying ability as follows:

- 12-20 acres per animal: 1st class grazing land.
- 20-30: 2nd class grazing land.
- 30-40: 3rd class grazing land.
- 40-50: 4th class grazing land.
- 55 or over: 5th class grazing land.

Irrigated land was to be further classified according to its ability to raise sugar beets as follows:

- 17 tons per acre: 1st class irrigated land.
- 14-16: 2nd class irrigated land.
- 11-13: 3rd class irrigated land.
- 9-10: 4th class irrigated land.

With this information it is possible to work with a
knowledge of the potential production both as to type and productvity capacity.

Second, a compilation and mapping of farm location and present use of land in order to know what the present situation is and to furnish the necessary information for a basis of proposed later shifts. This information was mainly secured from the reports of the wheat control production associations.

Third, the construction of a present ownership map for each county showing three major agencies; (1) public agencies, (2) corporate groups and, (3) individuals. These to be again broken up into fifteen sub-groups that would show the following: corporate, United States (sub-divided), state, county, miscellaneous governmental agencies as city, etc., insurance companies, railroads, land investment and mortgage companies, commercial banks, Federal Land Bank, Joint Stock Land Bank, miscellaneous corporations, resident and, non-resident ownerships. At the time of this writing these maps have been prepared and are located at Montana State College. In connection with this matter, the writer prepared an ownership map of Missoula County showing the following ownership classifications: individual, Northern Pacific Railway, Anaconda Copper Mining Company, United States, state, county and corporate other than the two mentioned. It was felt that the information platted thereon was sufficient to meet the present local problems better than a more comprehensive survey and also due to the limited time at disposal.

Fourth, a tax status map showing the delinquencies
as to one, two, and three or more years. Montana State College is possessed of maps of this type for the state but their value is, in the mind of the writer, doubtful. The one prepared for Missoula County was found to contain too many errors to be of any use and another is now in the process of construction. One reason for this being the relative change of the tax status from year to year which is far greater than that of ownership.

Fifth, a map showing the distribution of population to be used as a basis for the determination of whether a satisfactory community life can be developed and what shifts are desirable.

Sixth, a map showing the set-up of public services, i.e. schools, roads, etc., which when compared with the population map will show whether these services are being rendered effectively.

These then are the base maps for land use planning. They, with the sub-divisions mentioned and unmentioned, will serve as furnishing the necessary information upon which that part of the planning program can be predicted. Errors have crept into the construction of some of these maps but in time with the assistance of the proper staff those will be eliminated. As yet there has not been a standardization of the maps to be made in the future but it is expected that the immediate future will see that determined upon the State Engineer's Department. The present hope is that the future mapping can and will be done in the most part by some person or persons in each county under
the direction and supervision of the county planning board.

The governing policies to be used by the Montana state Planning Board in its land use program were stated to be as follows:1

"We should seek to correct abuses, to prevent exploitation and to conserve our land and the resources appurtenant thereto by putting them to proper use.

We should not seek to eliminate that which has been established and to substitute something entirely new. Rather we should plan to assist the natural trends in readjustments that are already happening.

We should recognize the needs of each county or area as a motive for land use planning.

We should gradually develop a national program based upon the needs of each area.

We should provide that the people in each area shall be a party to the adoption of any corrective and regulatory measures that may be necessary.

We should have as our main objective the creation of opportunities whereby, under proper safeguards to protect the public interest, the people of each area may, by their own initiative and upon their own responsibility, gradually bring about a full development of all the resources which that area affords."

East of the Continental Divide the outstanding problem of the Planning Board is that dealing with grazing. That part of the state, with the exception of certain irrigated valleys and dry land wheat farming, is devoted to grazing and stock raising, both cattle and sheep. Originally the country was open range where the large stock raising firms were permitted to graze where ever grass grew but the last thirty years has seen that part of the state fairly well settled by stock raisers on a smaller scale and by dry land farmers. Those areas that have not been fenced have been subjected to indiscriminate grazing by all comers with the result that the grass that formerly was there is, substantially, gone. The sheep men have been the

1 Report by L. A. Campbell, supra.
chief offenders in this respect, not because they were more careless of their treatment of the range, but due to the natural effects of sheep grazing as opposed to cattle grazing. It has not been uncommon for large bands of sheep to leave the vicinity of Cheyenne, Wyoming, and be driven north and west until by fall they are in the neighborhood of Great Falls, Montana. They are driven in the same manner from Oregon in the West, such indiscriminate grazing has inundated large areas of what, under proper control, would be from fair to good grazing country. There are three methods by which this problem can be met:

1st, An abandonment of all attempts at control, in substance, laissez-faire. In large areas of states south of Montana this is what is being done with the result that Basque roving grazers have taken advantage of a situation that exists and have to an extent invaded this state as has been indicated. The inevitable result of this will be high cost production and will bring an undesirable type of citizen into the state. In addition, water and wind erosion together with a growth of weeds follows in the train of such grazing.

2nd, A return to the dominance of the large stock growers control. Under such a system the condition of the range was kept at its best insofar as it lay in the power of such firms to control it as such was to their best interests. Unquestionably such a program means the virtual stamping out of the "little" man from the stock raising business. It will also mean the lowering of production. It may be added that such a program is favored by the railroad interests and the packing
firms.

3rd, Leasing to economic interests. Under this plan the range will be leased under some decided unit allowing so many cattle or sheep to so many acres of range and no more, thereby protecting it against overgrazing. The principle difficulty connected with this program is one of administration but it is hoped that that can, in time, be overcome.

In order that any kind of grazing program can be effectuated there must, first of all, be the means of control of the range areas. Roughly 50% of government land is subject to this program and of the remainder of the grazing area a large percentage is owned by large corporations and by absentee owners. In substance, there is not the diversity of ownership that would make such a program difficult from that angle. Reduced to first principles the program of the State Planning Board contemplates zoning the state and subjecting all grazing area to the control of a grazing association or associations endowed with the power to regulate and control the numbers and kinds of animals that will be permitted to graze per acre on each designated area. At the present writing some eighty associations have been formed and are operating and it is contemplated that three hundred such associations will be necessary to properly carry out the desired work. As will be seen, legislation was enacted in March of 1935 to enable such a program to proceed but prior to that time all efforts were, in the main, of a voluntary type and were in no sense as effective as they should have been. Also the cost was more than it should have
been. With regard to cost it is hoped that a central association will serve to establish a grazing program that will satisfactorily handle the problem and at the same time be economical per unit cost.

Those heretofore engaged in working out a method of regrassing have been greatly encouraged with their experiments with crested wheat. It is a grass from Siberia and does exceptionally well in this state and meets the need for a grass that can stand extreme temperatures and little rainfall. It is thought that it will answer the question of what to do with those large areas where dry land farming has been tried and found to be nonfeasible with the result that the bunch grass has been killed off, which, of almost common knowledge, will not reseed short of long periods of time. In those parts where the grass is kept too short due only to too much grazing an exercise of zoning power will serve to permit the land to reseed. This condition exists particularly around Miles City.

Class favoritism is frowned upon in the same sense that class legislation is uniformly held to be unconstitutional and for that reason, among others, the third of the three methods mentioned will be employed in the grazing program. The first is not even debatable and only the most unusual circumstances would justify the second. It is the belief of those who have made a study of and investigated into the grazing situation in this state that it can be worked out upon the lines indicated in such a way that all users whether large or small may have the benefits and at the same time preserve a truly natural resource
rather than to destroy it.

Water conservation has received the lion's share of attention in all matters relative to the planning program as a whole. West of the Divide water is the dominant thing in the same sense that grazing is of paramount importance east of the Divide. It is a common idea that if only water is available that any land may be made to blossom forth as a veritable garden of Eden and to a large extent that is true, but it is not quite the entire picture. The reason for the importance of a sufficient water supply is almost self-evident for without it there is no assurance of crop and it might be noted at this time that despite the present amount of land under irrigation that the person is fortunate, indeed, who has a sufficiency throughout the growing year for purposes of irrigation. The fact that a State Water Conservation Board was first formed and later designated to act as a State Planning Board is indicative of the common conception. It might be added that the only comprehensive and detailed report made at the Portland Conference from Montana was that dealing with water conservation. One of the conclusions stated in the Water Resources report was:

"The readjustment and recovery program in Montana, is primarily dependent on a proper plan for the conservation and use of water. The future social and economic welfare of the state is dependent upon it." 1

At first blush it would seem that a program that contemplated reclamation would be in direct conflict with the policy of the Federal government in curtailment of crop production, but

1. Portland report, supra.
a closer analysis would show the contrary. Conservation is more a question of rehabilitation than an increase of production when consideration of economic land use is taken and thus there is no conflict but rather a direct benefit and furtherance of the Federal policy. It is the basic effort of the government to achieve a balance between agriculture and industry in order to effectuate a normal exchange of products rather than to curtail or expand. At present there is no necessity for expansion of either industry or agriculture but rather, as indicated, a balancing and the program of water conservation will serve that purpose. The measure to which such a program will provide employment is high and hence very desirable from that standpoint. From a social point of view it will serve to rehabilitate and relocate families in places where they will be enabled to earn a livelihood. The work to be done, if given the benefit of the knowledge of the various planning agencies, will prove to be of lasting benefit to the state and will avoid being that of a haphazard or non-economic nature.

In the furtherance of this work considerable mapping has been done by way of estimating the supply of water from the natural watersheds and in the way of investigation of the underground water supply that is available for irrigation purposes that can be utilized by pumping and in the form of artesian wells. The underground water supply is of particular value to the drouth stricken areas of the eastern part of the state in determining the feasibleness of drilling and serving as a basis for estimated costs. Dr. Eugene S. Perry, of the State School of Mines at
Butte, prepared a report of this situation based upon a five year study of conditions in Montana. The report shows that in fourteen of the principal valleys of the state where the amount of water from streams is insufficient for irrigation purposes that there are 1595 square miles of land that can be irrigated by the use of underground water. This, if carried out, is virtually the tapping of a new water supply for those parts of the state that now have insufficient water and which cannot secure it by way of damming of streams and will mean the 'saving' of those areas.

The value of the metals industry per year of output in this state is about eight times that of non-metals which is prima facie evidence of the value of the branch of industry. Newly discovered methods of extraction and refining of metals has given a new light as to the possibilities of mining. Areas formerly not profitable are now valuable as a source of supply. There is a decided need for careful planning to prevent exploitation of certain metals in this state, especially that of chromium. The only available supply of that metal in this country that can be mined commercially is located in central southern Montana and, as yet, is undeveloped. That metal is of vital importance in time of war as our present source of supply is wholly foreign. There should be an exhaustive inventory taken of the metals in this state with an analysis of the possibility of their production all of which is a proper function of the planning agencies. In connection with this is the opportunity present in the field of ceramic industry. It has had little encouragement or development in the state and the source of supply is here for
use. About 1/3 of the supply of lignite coal of the United States is located in Montana which is of value as a source of supply for coal tar products. It is intended that the State Planning Board in addition to the inventory mentioned, will also prepare an inventory of markets, complete and publish the State Geological map, and furnish nation-wide information of the natural resources of this state. One of the principal present activities of the planning agencies of the state is the construction of roads to mining properties.

Under the sponsorship of the PWA several large power projects were started and are now in the process of completion. Outstanding among these are the Fort Peck, Grand Coulee and Bonneville projects. During the current year there has been a decided reaction against this type of project and a more favorable attitude shown toward the smaller type. This is a result of finding that the large project tends toward the creation of so-called ghost towns and fails to accomplish what was originally intended. There is little likelihood that the Fort Peck project will do more than a small part of the work for which it was originally intended whereas smaller irrigation projects of demonstrated feasibility will prove of immediate and lasting benefit. There is a more than abundant supply of water power for the manufacture of electric energy but it will take much careful planning in order to make such energy available for rural electrification.

Despite the fact that this state is primarily one of agriculture and mining with its wealth of materials, sources
of power and surplus of labor there is the latent possibility of an industrial development to major proportions. The opportunity in the wood pulp industry is probably the outstanding one due to the depletion of the already inadequate supply of the South.

One of the least thought of but at the same time one of the most valuable of Montana's natural resources is that of recreational facilities. Yellowstone National Park lies adjacent to it on the south and Glacier National Park is within its borders. Each year brings more and more tourists and visitors here during the summer months. Some of the finest fishing and hunting to be found in the continental United States is in this state. The preservation and development of this asset must be carefully worked out in order to furnish the best returns for the citizens of the state as well as to those who visit here. The influence and work heretofore done by the dude rancher associations has, as far as possible, been directed in that direction but the planning boards have a definite place in their programs for the continuation and furtherance of that work. One of the outstanding examples is the plan, now under way, for the placing of the entire west side of the Mission Range of mountains in a park reserve thus preserving the forests that remain and providing for the best means for the preservation of fishing in the streams that are to be found in that region. It is intended further for the Planning Board to secure large stands of forest by exchange or purchase where such action will enhance the natural beauty of recreational sites. A thorough survey of the state's recreational areas is now being conducted, insofar as
funds will permit. A great part of this information is to be
had by collection rather than by construction from the files of
the various governmental agencies.

The Welfare Section of the State Planning Board
made a survey of four counties, mainly through the assistance
of the Montana Relief Commission and made some valuable findings
relative to welfare conditions in the state. Among those find-
ings were: that 25 to 39 percent of the population were on relief
varying according to location; that 4 to 8 percent of the popu-
lation were permanently unemployables; that 20 percent of the
children of the relief load were in need of medical attention;
that 4 percent of the adults and 1 percent of the children were
mentally deficient or diseased; that earnings in 1934 were only
21 percent of 1929; that 80 percent of the relief load consisted
of persons that had left school at 16 years of age or less;
that the Old Age Pension system as practiced is not standardized
for the state and in no instance is it adequate.

The committee on Education worked upon a ten-year
basis for a plan in the educational field. The efforts were
directed toward a study of the existing schools and the tax sit-
uation relative to their maintenance.

By the close of the year 1934 no committee had
been formed to study, in the writer's opinion, that most impor-
ant problem, taxation. The planning agencies in conjunction with
and under the leadership of Mr. R. B. Haight of the Montana State
College, prepared maps showing graphically the tax situation of
each county of the state. From these it was learned that roughly 50% of the state is owned by one public agency or another so that only the remainder is subject to taxation. That non-resident owners have paid their taxes far better than resident owners. That isolated instances of delinquent taxes are rare i.e. that communities rather than individuals are delinquent and they with surprising regularity. The full import of the last statement can only be grasped by one who actually constructs such a map but in that event the picture becomes quite clear. Missoula County, with which the writer is familiar, has an abnormal tax delinquency situation which is traceable, in the main, to a lack of water for irrigation purposes throughout the growing year. School districts should be realigned in order to equalize an unfair and maladjusted tax situation there. The State and County Boards of Equalization, while chargeable with the handling of such situations have failed to cope with it as it should be and the present plans of the Planning Board are to further that work.

In connection with the maps just mentioned that were prepared by the Montana State College, a word might be said. Whenever research is made it is axiomatic that it must be done by competent persons under close supervision. Work of that nature cannot be delegated. It was the unfortunate position of that agency to be compelled to work with the employees who in some instances were not as well qualified as desired and under conditions where adequate and proper supervision was impossible. The result was that some of the reports were not as accurate as
they would have been under other conditions wherein time and a
definite selection of employees would have been available.
However, for the purposes of the Planning Board in making general
estimates it is felt that the platted information has been suffi-
ciently accurate to serve the purposes for which it was desired.

On December 12th, 13th, and 14th, 1935, the second
Pacific Northwest Regional Planning Conference was held at
Seattle, Washington. The purpose of this meeting was to learn
what had been accomplished in the various states following the
conference in Portland in March preceding but principally to
pave the way and discuss the kinds of legislation to be intro-
duced in the various state legislatures that were to meet in the
following January.

As has been indicated in the foregoing pages,
Montana really accomplished little in the way of actualities in
the year 1934. This was principally due to the fact that her
house was not in order legislatively. It is a question whether
the Seattle Conference had any great influence upon the
statutes later enacted but it did serve to furnish a background
of the needs that would be met and informed representatives of
this state what other states were both doing and hoping to do so
that the efforts here might be made to coordinate with theirs.

Under the supervision of a comparatively small
group of citizens the bills that later became laws were drafted
and placed in the proper channels for enactment. They were
passed with little opposition.

A condensed brief of those laws are submitted in
the following chapter.

Note: The principal source of material for the chapter above is the Report to the National Resources Board by L.A. Campbell, State Planning Consultant and Secretary to Montanans, Inc. Also from interview with R.B. Haight, State Planning Consultant.
CHAPTER IV.

The Extraordinary Session of the Montana State Legislature of 1933-1934 enacted two chapters that have a particular bearing upon the matter under discussion.

In chapter 35\(^1\) will be found the creation of the State Water Conservation Board and chapter 39\(^2\) the creation of the State Planning Board.

Chapter 35 created a board of five members to be known as the State Water Conservation Board. The Governor and the State Engineer to be members ex-officio and the remaining three to be appointed by the Governor from the qualified electorate of the state. One member to hold office until the second Monday in January 1935, one until a like date in January 1937 and the third until 1939 and thereafter for six year terms. The power of removal at any time was vested in the Governor who is to be the chairman of the Board. The vice chairman to act as secretary and treasurer. The members are to be paid $10.00 per day plus expenses as a salary. This Board was given power to acquire land, rights, water rights, easements, franchises and other property deemed necessary by way of purchase, exchange, gift or condemnation. It is to construct, after due investigation of the feasibleness, such works as are considered of value in water conservation. It may issue bonds (for not more than 40 years) at interest at not more than 6%. Provision is made for the establishment of an Administration Fund and three funds re-

1. 1933-34 Montana Extraordinary Session Laws, Chapter 35.
2. Ibid, Chapter 39.
lating to bond issues, i.e. Construction Fund Series, Water Fund Series and the Sinking Fund Series. The sum of $100,000.00 was appropriated for the establishment of the Administration Fund. It was specifically stated that the Board was to be vested with the use and exercise of police power (sec. 21, par. 5). The Act was approved January 9th, 1934.

Chapter 39 created the State Planning Board which was to consist of the same personnel as the State Water Conservation Board. Aside from including in that chapter that the Planning Board was to report annually to the Governor nothing was done by way of creation of powers for the Board nor any provision as to the means of its continued existence. It may be said that the creation of the Planning Board in the then form was to fulfill the requirements for participation in the Regional Conference to be held at Portland, Oregon, in March 1934.

The legislation under discussion immediately following is principally a result of the decided needs as discovered at the Seattle Conference in December 1934.

Senate Bill 127:¹

This Act approved March 7th, 1935, is supplemental to the original Act creating the Water Conservation Board and is intended to supply the said Board with all power necessary to take advantage of any assistance it may secure from the Federal Government, gives it general powers to acquire and/or develop any lands for the betterment of the public interest or for the preservation and/or the conservation of natural resources.

¹. 1935 Montana Session Laws, Chapter 96.
It is clear that the primary purpose of this Act is to firmly establish the necessary contacts or means to secure full benefit of the WPA program of the Federal Government.

House Bill #517:¹

This Act provides for the establishment of two funds for the furtherance of the work of the Water Conservation Board. 1st, the Administration Fund shall, for the year March 1st, 1935 to March 1st, 1936, consist of 15% of the net revenue of the Liquor Control Board not to exceed $100,000.00 and for the year March 1st, 1936 to March 1st, 1937, 6 2/3rd percent of the net revenue of the Liquor Control Board, not to exceed $100,000.00. The Conservation Revolving Fund shall consist of, for the year March 1st, 1936 to March 1st, 1937, 10 percent of the net revenue of the Liquor Control Board not to exceed $150,000.00 together with 70% of the inheritance taxes collected until the sum shall amount to $350,000.00. The Act contains a saving clause and further provides that the State Examiner shall supervise, examine and audit the accounts. Approved March 13th, 1935.

Senate Bill #101:²

This Act provides that the State Water Conservation Board may construct any public works in the furtherance of the conservation, use or preservation of water or water supplies (see section 2b). Where and when water rights are acquired and

1. 1935 Montana Session Laws, Chapter 169.
2. Ibid, Chapter 95.
used under two or more projects they are to be allocated (section 2f). Before any project is started an estimate must be made and the income equal to or greater than the expense involved. This is not, however, to affect the validity of any bonds that may be issued. The scope of powers of the Board extends to; 1st. adjoining states, 2nd. United States land both within and without the state, 3rd. in any adjoining country. Under section 9, bonds may be secured by a trust indenture, a copy of which is to be filed with the county clerk - no recording being necessary. With regard to the financing of any project the Board may; pledge the income or covenant against the pledging of the income, covenant against mortgaging, covenant to fix and establish rates, to create special funds, to replace lost or mutilated bonds, to covenant against the extension of time for the payment of bonds, to prescribe as to defaults, to covenant as to breaches of contract, to vest in trustees the right to enforce covenants, to do all things necessary to make the bonds marketable, the stated intention being to give the Board all power relative to the issuance of bonds that is not in conflict with the constitution. The Board may mortgage or convey in trust any work or project as security for bonds issued. In case of a foreclosure the purchaser at a sale under such a decree buys subject to the obligation to use all water impounded under the respective project for the use intended at the time of the creation of the said project. In other words that water rights under such a project are appurtenant to the land. The Board to have perpetual existence and to be a boyd corporate and politic. Under Section 21 b the
Board may sell water for public, industrial, domestic, and fire prevention purposes. After all bond obligations are satisfied the Board may sell any waterworks but only to a municipal corporation. A saving clause included. Approved March 7th, 1935.

Senate Bill #151: 1

This Act provides that the State Water Conservation Board may go into the business of making and selling electric energy at rates as low as possible. Bonds of such projects are not guaranteed by the state. Full power to set up a corporation and to operate it in a not for profit manner. Approved March 7th, 1935.

Senate Bill #155: 2

This Act provides that the State of Montana or any political subdivision thereof may enter into contracts with the State Water Conservation Board to secure the benefits of the work done by the said Board for the use of lands owned by the State, counties, etc. Directed toward the securing of water and/or water rights for state, county and school lands. Approved March 7th, 1935.

The foregoing are the principle enactments directly affecting the State Water Conservation Board since its creation in the State of Montana. This Board has served as a sort of focal point from which planning has emerged to the extent in which that is true.

House Bill #152: 3

1. 1935 Montana Session Laws, Chapter 98.
2. Ibid, Chapter 97.
3. Ibid, Chapter 176.
This Act, after stating the policy, sets forth the purpose of the State Planning Board which is to be an agency for the encouraging of local and district planning. Under Section 2 the Board is created with the same personnel as the State Water Conservation Board. The Board may appoint advisory counsel who are to serve without pay except as to expenses. A record is to be kept. Assistance may be asked of other state departments. A state plan is to be adopted. The Board is to formulate plans and policies and report annually to the Governor. May promote public interest in any and all plans and has the power to publish and distribute reports for the use of the public toward that end. To cooperate with the United States and other states. State Water Conservation Board to supply funds for the carrying out of the work of this Board. Allowed $4,000.00 to June 30th, 1935; $8,000.00 for the period from July 1st, 1935, to June 30th, 1936. Same for the following year. Act approved March 14th, 1935.

It will be seen that this Act is supplemental to and in furtherance of the original Act\(^\text{1}\) creating the State Planning Board. The creation next ranking in importance by the legislature was that of the Grazing Commission which will be found in House Bill #397:\(^\text{2}\)

This Act provides for the establishment of a Grazing Commission to consist of five members appointed by the

1. See page 7.
2. 1935 Montana Session Laws, Chapter 194.
Governor. One from the Montana Wool Growers Association, one from the Montana Livestock Growers Association, one from the Board of County Commissioners Association, one from the Board of Incorporated Grazing Association and one as a representative of the Director of Grazing under the Taylor Act. Three members to be appointed for one year and two for two years. The Commission to nominate three names from which the Governor is to appoint the State Grazing Commissioner. Per diem salary of $10.00 plus expenses. To have full judicial authority in all matters pertaining to grazing. Commission to determine the salary of the Administrator. Power to levy a tax to meet expenses. Approved March 18th, 1935.

House Bill #178:¹

This Act provides the ways and means for the establishment of Grazing District Associations, the method of incorporation, general powers and rights of members thereto, the interests therein etc. Right of appeal from the judicial decisions of the Grazing Commission to the district court and thence to the state supreme court. Approved March 18th, 1935.

The fourth important enactment was what is commonly known as the Housing Authorities Law which is to be found in Senate Bill #175:²

This Act sets forth and declares the need of rehabilitation of certain areas in cities and towns of the state as a means of combat crime and generally better the social conditions

¹. 1935 Montana Session Laws, Chapter 195.
². Ibid, Chapter 140.
of certain persons of low income. By its provisions (section 4) any 25 persons within a city or within ten miles thereof are empowered to petition for the creation of a Housing Authority which petition shall be acted upon within ten days by the council (see section 3, article 3) and if they decide that there is need for a Housing Authority (which, if the provisions of the Act are followed, will result in an affirmative answer) the mayor shall appoint five members to constitute said Housing Authority. After appointment the commissioners shall file a petition with the Secretary of State asking that they be incorporated as a body politic and corporate under a stated name. Such action will then be taken by the Secretary of State and the Housing Authority is then prepared to act. Their authority shall not overlap and not extend beyond the limits of the ten mile radius. The members shall hold office for five years, with overlapping terms, no one of whom may be a city official, three to constitute a quorum, shall receive no compensation other than expenses incurred in the course of duty, may employ a secretary and shall secure such technical advice and services as are necessary. Mayor shall have power of removal upon a hearing. Under section 9, the powers of such an Authority are set forth. In addition to all the customary powers conferred to a firm to buy, sell, and acquire all forms of property, real and personal, they are given quasi-judicial powers of investigation, the right to acquire property by eminent domain (see section 2), the right to zone or rezone any part of a municipality, to change, alter or modify plans made by city planning boards or to form plans ab initio,
to establish parks and provide for their maintenance, to borrow money on bonds or other forms of indebtedness, are charged with the duty of abating nuisances, etc, and may be said to be generally constituted with supreme authority to carry out all schemes of housing and improvement in their respective areas. In addition they are specifically empowered to borrow money from the Federal Government as an aid in any housing or other project that the Authority deems fit to pursue. At least once each year the Authority shall file a report with the mayor together with such recommendations as it sees fit. The Act is declared to be controlling over any other that it may in any part be in conflict. Approved March 13th, 1935.

In addition to the preceding enactments several bills were passed directed toward the remedying of certain matters. The principle ones were:

Senate Bill #182:

This Act provides that any municipality may acquire by purchase or otherwise, any "undertaking" defined as any one or a combination of the following: water, natural gas, sewerage or central heating plants or systems, together with all parts . . . but not limited to, supply and distribution systems, reservoirs, dams, sewage treatment and disposal works (see section 2 a), to be operated as a not-for-profit concern and further provides for the method of purchase in whole or in part by the issuance or purchase. Section 14 provides that they shall not be under the regulation of the Public Service Commission as

1. 1935 Montana Session Laws, Chapter 141.
to rates, fees or management. The power to issue bonds terminates as of June 30th, 1937. Approved March 3rd, 1935.

Senate Bill #109:¹

This Act was passed to validate any election theretofore had authorizing the creation of any indebtedness and the issuance of any bonds to finance public works projects. Approved March 7th, 1935. (note following S.B.)

Senate Bill #110:²

This Act is supplemental to S.B. #109 in that the term "public body" is extended from including a county, city, town, rural improvement district and school district to also embrace, including and in addition thereto, irrigation district, drainage district, special improvement district, State Board of Education, State Board of Examiners, State Water Conservation Board, and the State Highway Commission. Approved March 13th, 1935. The purpose of the bill is the same as that of the one immediately preceding.

Senate Bill #68:³

This Act establishes the consent of the State of Montana to the purchase of lands by the Department of Agriculture that may be used in the rounding out of the Forestry program, reserving civil and criminal jurisdiction over such lands so purchased except as to offenses committed against the United States

2. Ibid, Chapter 128.
3. Ibid, Chapter 118.
Substitute Senate Bill #79:¹

This Act provides that any Board of County Commissioners may exchange land fit for reforestation for timber or other governmentally owned land and the means whereby such exchange may be effected. Approved March 13th, 1935.

Such, in brief, are the laws that serve as the basis for planning in this state. It is felt that they are of sufficient scope to cover the field. From them it is seen that the program is roughly divided into four parts; water conservation, planning, grazing and housing. The fact that the State Water Conservation Board serves in the dual capacity of being two Boards has given rise to not a little belief that the Planning Board should be a separate organization. At the present writing (July 1935) there has been no affirmative action taken relative to this condition. The prominence given the Water Conservation Board has led to some dissatisfaction in the central and eastern parts of the state due, principally, to the fact that there the main problem is of a grazing nature.²

1. 1935 Montana Session Laws, Chapter 150.
2. Interview with R. B. Haight, supra.
CHAPTER V.

During the winter of 1934-1935 the PWA office in Helena instigated a vigorous campaign in the form of letters to all the planning agencies of the state urging them to formulate projects that were desirable and to submit the plans for them to that office. This was one of the first efforts made by the newly organized and appointed planning boards in the several counties and considerable hope was placed that immediate action would be forthcoming. Several months later it developed that the sum of the projects sent in to the central offices of the PWA in all states of the United States was used as a basis for the sum provided for in the Emergency Relief Appropriation Act of 1935, using $1140.00 per man per year as a measure of cost. In the lumping together of these various submitted projects their identity was lost and the thought and later hope was that they would in the future be 'unscrambled' and those first submitted be given preference under the works program of the Act just mentioned. The action of the PWA was, in a sense, deceiving to the public for the sponsors of the projects thought that action would be taken on them as submitted but had the true purposes been made public in all probability they (the PWA) would have been literally swamped with every known type of project. On the other hand it did lead to not a little dissatisfaction among the members of the planning boards when they saw that, apparently, no recognition was being given to their work.\(^1\) It was at this time that the PWA and the CWA engaged in

\(^1\) Interview with Walter L. Pope.
many various works without consulting the planning boards in any way.

On date of May 28th, 1935, Administrative Order Number 26 was issued by the Federal Emergency Administration of public works over the signature of Horatio B. Hackett which set forth the policies to be adopted in the expenditures contemplated under the Emergency Relief Appropriation Act of 1935. It was stated there in that:

"1. The projects should be useful.
2. Projects should be of a nature that a considerable portion of the money spent will go into wages for labor.
3. Projects which promise ultimate return to the Federal Treasury of a considerable proportion of the cost will be sought.
4. Funds allotted for each project should be actually and promptly spent and not held over until later years.
5. In all cases projects must be of a character to give employment to those on the relief rolls.
6. Projects will be allocated to localities or relief areas in relation to the number of workers on relief rolls in those areas."

"Financing will be by a grant of 45 percent of the funds furnished by the Government and expended for the project, the remaining 55 percent to be loaned at 3 percent interest by the Government only. The amount loaned must be evidenced by valid obligations, repayment of which is expected, and which will mature serially in annual installments, if permitted by law." The final maturity will be within the estimated useful life of the project."

The above excerpts are self explanatory. It was stated in a circular issued by the State PWA office supplementing the one above that "under the new set-up there will be no 'grant only' applications accepted". In this connection it later developed that "grant only" applications were forwarded to Washington with the approval of the state agency and with the understanding that it lay within the discretion of the Administrator
of public works to either approve or disapprove of such applications.\(^1\) Another item mentioned in the latter circular stated that under the Act, supra, that no loans would be made to legally private persons or corporations which was a departure from the procedure of the PWA prior to that time.

The principal administrative changes may then be summarized as being; no loans to individuals, 45 percent grant instead of 30 percent and, as later developed, 90 percent of the labor had to come from the relief rolls.

Immediately following the passage of the Act considerable dissention arose concerning the method to be employed in the spending of the sum appropriated. It may be roughly said that there were two schools of thought on the subject, the one headed by Mr. Harry L. Hopkins and the other by the Hon. Harold L. Ickes. Mr. Hopkins' idea was to put as many men to work as possible in the shortest space of time on small projects, Mr. Ickes, on the contrary favored the furthering of the general program as had been instituted by the PWA or the construction of the large type of project of which Fort Peck and Coulee Dam are examples. While this debate was consuming time the progress of the governmental program marked time. Out of it emerged what is now known as the WPA, or, more specifically, the Works Progress Administration. At about that same time the President formed the National Emergency Council consisting of Mr. Harold L. Ickes, Mr. Frank C. Walker and Mr. Harry L. Hopkins who was to be the chairman. They, in substance, to be

\(^1\) Interview with T.C. Spaulding, Dean of the College of Forestry, University of Montana
the central committee for the administration of the funds under
the Act mentioned. Immediately following was the issuance of a
circular stating the policies to be adopted by the Government in
the furtherance of the program contemplated. Following is a copy
of a slightly revised version of that circular, which revision
was made by Mr. George F. Weisel and the writer and appeared in
newspapers of western Montana.

"The following announcement is submitted for the
particular attention of all planning boards and for the attention
of all persons interested in any works project of a public
nature.

On date of July 2nd, last, over the signature of
Harold L. Ickes, Federal Emergency Administrator of Public Works,
Harry L. Hopkins, Works Progress Administrator and Frank C.
Walker Executive Director, National Emergency Council, the fol-
lowing explanation of the methods to be employed by the Federal
Emergency Administration of Public Works (or what is commonly
known as the PWA) was made public and is transmitted herewith.

All applications involving loans for construction
projects herein the estimated cost will be $25,000.00 or more
will be handled by and under the jurisdiction of the PWA.
Examples of such projects are: airport, buildings, armories,
almshouses, auditoriums, canals, dormitories, schools and
university buildings, electric heat, light and power plants and
distribution systems, highways, bridges, tunnels, viaducts,
hospitals, dispensaries, sanitariums, markets, warehouses, city
and town halls, courthouses, fire and police stations, jails,
and libraries, sanitary sewer systems, drainage improvements, gar-
bage and rubbish disposal plants, public buildings, water supply
and distribution systems, filtration plants and similar projects.

Applications involving loans for works of a public
nature that shall be submitted to the Works Progress Administra-
tion (WPA) are:

1. Construction projects of any type wherein the
estimated cost upon completion shall be $25,000.00 or less.

2. Non-construction projects of a type designed
to assure maximum employment principally to professional,
clerical and white collar classes. (Regardless of cost).

3. All other projects, regardless of cost, other
than those above mentioned under paragraph 3 of this article.
Examples of such projects are: recreational facilities, parks,
playgrounds, small dams, ditches, street repairs, demolition,
malaria control, pest extermination, airports, sidewalks, gutters
and curbs, levee work, landscaping, grading, farm to market roads,
reservoirs, swimming pools, and similar projects.

Applications rejected by the Federal Emergency
Administration of Public Works shall be submitted immediately to
the Works Progress Administration.
  All applications for loans shall be submitted to
the Federal Emergency Administration of Public Works.
  This statement shall not govern applications
falling within the jurisdiction of any other Federal agency.
  It is especially recommended that all projects be
submitted through the local or county planning board to the
state PWA director in order to expedite the approval of such
projects and to insure that it be placed in channels to reach
the proper authority . . . ."

It would seem from the foregoing that the diffic-
culty mentioned between the methods of Mr. Ickes and Mr.
Hopkins had been clarified by simply making the sum of
$25,000.00 stand as the line of demarcation and giving the former
the larger type of project and the latter the smaller in direct
line with their expressed opinions of the best methods to be
employed. A careful reading will show, however, that by far the
greater scope was given the Works Progress Administration under
Mr. Hopkins. All while collar work comes under that department
and it might be stated at this time that a goodly number of such
projects will far exceed the sum of $25,000.00. It would further
seem that a strict statutory construction was placed upon the
examples given for the PWA and all residue should come under the
WPA. To the writer's knowledge a road construction and repair
project in excess of $175,000.00 was taken up by the WPA. The
upshot of all this has been as might well be expected, con-
fusion among the various persons and agencies as to the proper
method to pursue in securing the approval of projects that con-
tained merit. The sponsors of the Talley Lake project which
has been under consideration for a number of years thought to

1. Kalispell-Flathead County, Montana.
avoid delay by submitting it directly to Washington, but it was sent back with the suggestion that it be submitted through local channels. The summer of 1935 was mainly spent in the establishment of the proper offices and in the securing of a carefully prepared number of projects for submission to Washington for approval. The writer was informed, unofficially, that on September 16th, 1935, no more applications will be received.

It naturally fell to the planning boards of the various counties to prepare these projects and forward them to the proper authority. In this respect the members of the boards have spared neither time nor effort in doing all they could to get the various projects in line for approval with the least possible delay. In this they were handicapped in not having sufficient information to prepare the forms but in the main, with the assistance of the central district boards, they have carried out the work in a satisfactory manner. It might be noted that provision is made in the form of application for answer as to whether the local planning board has approved the project submitted therewith. Just how much weight that question has with the approving authority is unknown but it is evidentiary of the fact that planning agencies are recognized as being worthy of consultation.

The National Planning Board, as was indicated in the forepart of this paper, helped start the planning program in this state to the extent that it gave a central
point around which this region might act. Following the two meetings at Portland and Seattle there has been very little, if any, effective work done by any of the national planning agencies insofar as the program has been concerned in this state. It may be added that the program of Montana naturally fell in with and coincided with all suggestions which have emanated from Washington, D.C., and from the Pacific Northwest National Planning Commission. Planning of its very nature will of necessity fall along with the national plans but it is the thought of the writer that there is much to be desired in the natural setup today.

The local boards that were appointed in each county have met with varied degrees of success. The failure of the proper cooperation or rather the expected cooperation from the CWA and PWA officials in Helena at the initial outset of the program caused harm in this respect that will long be noticeable. On the other hand, it is indeed gratifying to see the enthusiastic response that has been shown by the men who have manned the boards in the several counties. It is purely a picture of men who have given their best efforts in an attempt to do something and found in the last analysis that their efforts too often came to naught. Such a condition is in no sense unusual when any agency is first starting that attempts as comprehensive a program as is now under way by the Montana State Planning Board.

The laws which are condensed in Chapter 4 cover the field in an adequate manner. The means have been provided
for effecting any desired work in this state for sometime to come. Doubtless the future will disclose certain features which have not been adequately covered but for the time being Montana can say that her house is legislatively in order. Provisions are lacking in some instances for any financial assistance and in others for adequate financial assistance but the lack of finance in planning is - as one party\(^1\) so ably put it - due to the lack of planning.

In connection with the research work which has heretofore been done by the various agencies in the state, particularly by the School of Mines at Butte and the State College at Bozeman, mention has already been made of the fact that in some instances, due to conditions over which those in charge had no control, work turned out was not as accurate as was desired. To a great extent this has been remedied and in the future it is felt that the greatest reliance can be placed upon records which are being compiled and will be compiled by the various persons engaged in planning work in the state. It may be noted that the effect of this program has been such that in certain instances county officials have taken it upon themselves to do work in excess of their official duties which is of the greatest value to the planning board. Much remains to be done in the collection, compilation, and platting of material and only the future will disclose the results.

Since the creation of the State Planning Board

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\(^1\) Interview with H.B. Haight
certain matters have shown themselves subject to correction. One of them particularly lies in the fact that the State Water Conservation Board and State Planning Board are of the same personnel. It is submitted that the State Planning Board should be a separate organization; 1st, because it is a central point around which all planning activities in the state should revolve. To combine it with one branch of planning, and water conservation is only a branch, is to give undue influence to that particular program. Also it is submitted that the State Planning Board should be removed as far as possible from the field of politics for the reason that therein lies an inherent danger.

It is the writer's suggestion that a more feasible manner for the appointment of a planning board would consist of having the State Advisory Planning Council of the State select a group of names from which the Governor might appoint a planning board to hold office over a staggered term of not less than 8 years each. It is suggested further that the salary connected with these offices should be small with a generous per diem allowance for the reason that the type men most desired for work of this character are those to whom financial gain is of the least interest. Men who enter into the field of planning with the purpose of a monetary return are not desirable persons to act on a state planning board.

One result is outstanding in planning in this country and that is the remarkable extent to which it has become a democratic institution. As was stated in the outset, the past
history of the world has been that planning has always been in the hands of the few. The present program more, in the writer's belief than any other one thing, has caused an active interest on the part of the public in governmental affairs. They are being educated to the fact that a government is a very live thing especially when they see it taking an active hand in the bettering of a strictly local condition. It is thought that these effects will be long lived in this country.
APPENDIX

MEMBERS OF THE NATIONAL RESOURCES BOARD:

The Secretary of the Interior, Chairman
The Secretary of War
The Secretary of Agriculture
The Secretary of Commerce
The Secretary of Labor
The Federal Emergency Relief Administrator

Frederick A. Delano, Chairman
Charles E. Merriam
Wesley C. Mitchell

Charles W. Eliot, 2nd Executive Officer

REGIONAL PLANNING COMMISSION:

Marshall N. Dana, Chairman

J. S. James, Montana
E. A. Cox, Idaho
Charles M. Thomas, Oregon
B. H. Kizer, Washington

R. F. Bessey, Consultant
C. A. McClure, Assistant Consultant

MONTANA STATE WATER CONSERVATION AND PLANNING BOARD:

Governor F. H. Cooney, Chairman

R. R. Purcell, Secretary, Helena
J. S. James, Helena
I. D. O'Donnell, Billings
D. P. Fabrick, Choteau

C. J. Dousman, Legal Adviser, Helena
L. A. Campbell, State Planning Consultant, NRB, Helena
TECHNICAL ADVISORY COUNCIL:

Bureau of Reclamation
Montana Fish & Game Comm.
State Forester
State Highway Engineer
Chmn. of Public Service Comm.
Secty. of State Board of Health
Pres. of State School of Mines
Supt. of Public Instruction
Register of State Lands

U.S. Forest Service
U.S. Geological Survey
U.S. Corps of Army Engineers
Supt. of State Banking Dept.
Commissioner of Agriculture
President of State University
President of State College
Chmn-State Board of Equalization
Secty. -Livestock Sanitary Board

MINERAL RESOURCES COMMITTEE:

Dr. F. A. Thomson, Chairman ........ Butte
Sam Barker, Jr. ......................... Butte
George B. Conway ........................ Helena
E. E. Collidge ........................ Great Falls
O. L. Deschen ......................... Great Falls
A. V. Gilles ........................ Billings
Sidney M. Logan ................. Kalispell
J. D. MacKenzie .................... East Helena
Carl J. Trauerman ................ Butte

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Dr. R.R. Renne, Technical Adviser .... Bozeman

A. T. Peterson ......................... Billings
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W. J. Shirley ........................ Havre
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D. S. Williams ....................... Bozeman
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A. C. Pratt ........................ Butte
A. T. Schultz ......................... Great Falls
Sam Robins ......................... Simms
Major Thomas B. Larkin ............. Glasgow
Professor M. R. Good ................ Bozeman
Henry Gerharz ..................... St. Ignatius
RECREATION COMMITTEE:

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J. W. Garney ................ Helena
Ralph Rader ................ Helena
Rutledge Parker .......... Missoula
Glen Smith ................ Missoula
Fred Williams .......... Bozeman
Ernest Miller .......... Bozeman
Myer Wolf ................ Missoula
J. W. Emmert .......... Yellowstone Park, Wyoming
Wallis, Huidkoper .... Two Dot

STATE ADVISORY PLANNING COUNCIL:

Henry Good ................ Kalispell
C. D. Judge ................ Havre
J. T. Sparling ........ Flaxville
P. J. Hagen ........ Glendive
Dr. Fred Atix ........ Lewistown
W. E. Mitchell .......... Great Falls
A. B. DeKay ........ Helena
W. L. Pope ................ Missoula
Dr. Peter Potter .......... Butte
Elmer Johnson .......... Livingston
Chandler Cohagen .......... Billings
Elmer Holt ................ Miles City

Dr. W. J. Butler, State Administrator of Relief, Helena; Col.
D. A. McKinnon, State Public Works Engineer, Helena

COORDINATING COMMITTEE:

J. S. James, State Engineer, Montana State Water
Conservation Board ........ Helena
Dr. Alfred Atkinson, Montana State
College ................ Bozeman
R. E. Clarkson, Montana Relief Commission,
Director of Rural Rehabilitation .... Helena
Col. D. A. McKinnon, Public Works Engineer Helena
Elmer Starch, Economic Adviser for Montana,
Land Policy Division, A.A.Ao .......... Bozeman
W. E. Mitchell, Chairman, State Advisory
Planning Council .......... Great Falls
(continued)

Dr. F. A. Thomson, Pres.,
Montana School of Mines Butte
Major Evan W. Kelley,
U.S. Forest Service Missoula
H. H. Johnson,
Milk River Reclamation Project Malta

LAND RESOURCES COMMITTEE:

J. L. Humphrey Great Falls
Sen. C. H. Williams Deer Lodge
J. E. Murphy Helena
T. H. Herrin Helena
H. D. Rolph Joplin
Murray Stebbins Helena
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Governor F. H. Cooney Helena
R. R. Purcell Helena
J. S. James Helena
D. P. Fabrick Choteau
I. D. O'Donnell Billings
**BIBLIOGRAPHY**


Interview with R. B. Haight, Land Planning Consultant.

Interview with Dean T. C. Spaulding, College of Forestry, Montana State University.

Interview with Walter L. Pope, Chairman Missoula County Planning Board.


Montana Progress Report to the National Resources Board, L.A. Campbell, June 1935.


Additional sources of information consist of circular reports issued from the State, Regional and National officials that were and are connected with the planning program that are impossible to cite with accuracy. In addition the writer served as secretary to the Missoula County Planning Board for a period of some six months during the spring and summer of 1935 from which work and the contacts had thereby certain information was gained that has become a part of the submitted work.