

March 17, 1977

The Natural Resources Committee convened on March 17, 1977, in room 437, at 8:05 a.m., with Chairman Sheldon presiding and all members present (except Rep. Huennekens who was excused) for a hearing on the following bills:

SB 173 SENATOR GREG JERGESON, Senate District 3, chief sponsor of this bill, said this is a simple bill but could have far reaching future effects. He said he was concerned about the amount of land being purchased by the Fish and Game and so being removed from the tax base and from agricultural use. This bill would start a trial program whereby the Fish and Game could purchase developmental rights on land but leave it in private ownership. He said the bill has been amended to make sure access will be permitted on these lands.

WES WOODGERD, FISH AND GAME, said they support the bill as amended in the Senate. He said they have tried to get similar rights before but unsuccessfully. The cost would have been as much as to get a fee simple. He said if the bill passes, they would make a more aggressive attempt to get developmental rights. He said the fiscal note was written for the amended bill and would be \$60,000.

During questions it was asked if this would be recorded in the covenants that would stay with the land. It was mentioned this law would mesh with the conservation easement law. Mr. Woodgerd said the rights of the owner would determine the price--if he could subdivide his land, his developmental right would be worth more than a right somewhere else. Rep. DAVIS mentioned the law at present would permit taking of land by condemnation and he questioned if this power should be given for developmental rights. MR. STEVE BROWN suggested the following amendment on page 2, line 23, to add the sentence "The commission may also acquire developmental rights by purchase, lease, agreement, gift, or devise from a willing seller."; and striking on page 2, line 20, the words "and development rights". Rep. HIRSCH asked if the department could just enter into a contract with a farmer for feeding wild game (grass fee, etc.) and stay away from buying developmental rights. Mr. WOODGERD said they do have considerable land under lease in contingent areas. It was mentioned that much of this purchasing of developmental rights can be done under the conservation easement law.

SJR 24 SENATOR GREG JERGESON, Senate District 3, said this was at the request of people in the Glasgow and Fort Peck area. This resolution supports the construction of additional peak generation at the Fort Peck project. He said peak generation comes in the summer with irrigation.

There were no other proponents or opponents.

SB 310 STEVE BROWN, Chief Counsel for Health and Environmental Sciences, introduced the bill for its chief sponsor, Sen. Roberts. He said this bill gives the Department of Health the power to inspect and monitor water supply and sewage disposal systems; increases the definition of plat to include certificate of survey and provides for local government review in certain cases. A fact sheet of major points of the Department of Health, as discussed by Mr. Brown, is exhibit 1 of the minutes. Mr. Brown presented two more amendments--one to increase the review fee to \$35 and the other extending the meaning of plat to include certificates of survey. A copy of these amendments is exhibit 2 of the minutes. Mr. Brown also left an updated list of amendments of SB 226, exhibit 3, which he asked the subcommittee to consider in conjunction with the ones presented at the hearing.

BEN WAKE, Department of Health, mentioned the need of the individual home buyers to have this Department of Health review so they will know they have safe and adequate water and sewer and solid waste services.

BOB JOHNSON, Lewis and Clark County Planning Board and representing local health departments, said they are on the front line assisting developers and determining whether or not the applications are in the proper order. He said they receive no reimbursement for this from the State Health Department, which leaves them in a quandry as funding is needed. He said this bill would help to solve that problem--so he hoped the committee would consider it favorably.

WILL SELSER, sanitarian in Lewis and Clark County, said subdivision review takes 10 to 50% of their time and is only one of 40 programs they have. He said he was concerned about them being able to review the occasional sales as that can involve a tremendous transfer of parcels in a short amount of time. He said they do need a monetary input because this review is a drain on their budget.

During questions, Mr. Brown said it was the intent of the lawmakers that they review all land sales, but he said certificates of review are being filed without because they say it is not a plat. There is a need to clarify that. Rep. Bengtsen asked about expediting the review process. Mr. Casne, Department of Health, said they have 6 1/2 people to handle 4 to 6 applications daily and to do a good job, it takes time. He said if SB 310 passes the number of applications will drop 1/3 as the local governments will do more. Mr. Brown mentioned the clerks and recorders are caught in the middle. The county attorney tells them to accept the certificates of review, they send notices they can't without a review. They have asked for help to get out of that squeeze. With this bill, they will know that certificates of survey have to be reviewed by the Department of Health. He said they would like to get it down to the local level, but have the state retain some overall analyses.

Chairman Sheldon left to go to the Senate to testify on a bill and Rep. Harper assumed the chair.

SENATE JOINT RESOLUTION 4

Rep. Hurwitz said their subcommittee had met and talked with Senators Manley and McCallum. He said he had drawn up a statement of what Senator Manley wants his bill to say. This is exhibit 4 of the minutes. It was decided to have Debbie Schmidt rework SJR 4 so that it will say this.

SENATE BILL 111

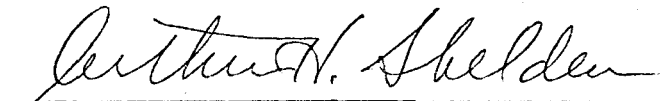
Rep. Metcalf went through the two suggested amendments: amend page 7, line 23, following "owners", insert "increased"; and on page 7, line 24, following "production", insert "from such subsequent program". He said these amendments would make it clear in the law that the recovery of costs would come from additional output. Rep. Metcalf moved the amendments and they carried with those present (absent being Quilici, Nathe, Huennekens, Hirsch, Sheldon). Rep. Cox moved SB 111 as amended be concurred in. Rep. Curtiss seconded the motion. Motion carried unanimously with those present. Reps. Bengtson and Sheldon had left their vote to be cast to the affirmative. Absent were Quilici, Nathe, Huennekens.

SENATE JOINT RESOLUTION 24

Kessler moved be concurred in. Motion carried unanimously with those present (same absent as the prior bill).

Meeting adjourned at 9:50 a.m.

Respectfully submitted,

  
ARTHUR SHELDEN, Chairman

EAS