

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 18, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 18 at 9:40 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Thiessen and Senator Watt.

The following visitors were present: Wesley Stearns, Sanders County; Harvey Schultz, Sanders County; W. A. Niemeyer, Sanders County; Thelma Niemeyer, Sanders County; George Wills, Sanders County; Laurence Grainger, Flathead County; Elizabeth M. Grainger, Flathead County; Cora Beth Guay, Flathead County; Frank Guay, Flathead County; Clark Judy, Yellowstone-Tongue APO; Ronald F. Waterman, Dreyer Bros., Inc.; Gerald Neils, Montana Logging Assoc.

CONSIDERATION OF SENATE BILL 441: Senator Roberts, District 11, Sponsor of Senate Bill 441, stated this bill deals with zoning power of counties. Richard Klinger, Montana "208" Agencies, testified in support of Senate bill 441 and proposed the following amendment, following mineral, strike forest or agriculture and line 25 strike forest or agricultural. Clark Judy, Director of the Yellowstone-Tongue APO, Broadus, and Frank Guay, Flathead County testified in support of Senate Bill 441.

Opponents. Jim Lockhard, Montana Coal Council, stated Senate Bill 441 would stop mining development in these areas. He stated mining is already covered by other laws and agencies. Ronald Waterman, Dreyer Bros Inc., opposed Senate Bill 441 (attached). Mr. Waterman proposed the following amendments, page 1, line 21 before the word "development" insert the words "commercial or residential" page 1, line 24 after the period on that line insert the following sentence: "It does not include facilities or associated facilities regulated by the Major Facility siting act, Chapter 8, Title 70, R.C.M. 1947, or mines, millsites, rights of way, operations, areas of land affected, developments, open-cuts, preparatory work or exploration regulated by Chapters, 4,7,8,10,12,14,15,16, and 17 of Title 50, R.C.M. 1947." Bob Gannon, Western Energy Company, and Don Allen, Montana Petroleum Association, opposed Senate Bill 441.

Mr. Klinger stated the intent of Senate Bill 441 is

certainly not to prohibit any mining activities. Mr. Klinger stated the purpose of the bill is to clarify any ambiguity that might exist. This clarification is much needed and is not intended to prohibit mining.

CONSIDERATION OF SENATE BILL 240: Senator McCallum, District 12, Sponsor of Senate Bill 240, gave a brief resume of the bill and stated the people of Sanders County asked him to sponsor the bill. Senator McCallum proposed the following amendments to Senate Bill 240, amend page 1 title, lines 13 and 14, following, "be" strike "owners of property within such district" insert "qualified electors" page 6, line 8 following "may" strike "be qualified to" page 6, lines 9 through 16 following "age" strike "or" insert "and" following "is not" strike lines 9 through 16 in their entirety. Wesley Stearns, Commissioner, Sanders County, George Wills, Commissioner, Sanders County, Gerald Neils, Montana Logging Association, testified in support of Senate Bill 240.

Opponents. Dean Zinnecker, Montana Association of Counties, opposed Senate Bill 240 as it removed control from the county. Glen Drake, League of Cities and Towns, opposed Senate Bill 240 stating it fragmented ambulance services.

Senator McCallum stated Sanders County is really in need of ambulance service and feels this bill would solve the problem.

The Committee proposed the following amendments to Senate Bill 240, page 12, section 10, line 5 following "exceed" strike "3 mills" insert "1 mill" page 12, section 11, line 8 following "of" strike "3 mills" insert "1 mill" page 17, section 17 following line 24 strike section 17 in its entirety page 1 title lines 19 and 20 following "DISTRICTS" strike "; and repealing sections 69-3601, 69-3602 and 69-3603, R.C.M. 1947".

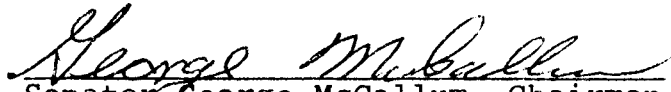
Senator McCallum moved to adopted the proposed amendments. Senator Peterson seconded the motion. Motion carried unanimously.

Senator Dunkle moved Senate Bill 240 be given an "And As So Amended, Do Pass" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

Senator Story moved Senate Bill 441 be given a "Do Not Pass" recommendation. Senator Dunkle seconded the

motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 11:00 A.M.


Senator George McCallum, Chairman

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LOCAL GOVERNMENT COMMITTEE

Date 2-18-77

[illegible]

SENATE Local Gov't COMMITTEE

COMMITTEE

BILL SB 2408441

VISITORS' REGISTER

DATE 2-18-77

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Wesley W. Stearns	Sanders Co	SB 240	✓	
Lawrence H. H. H.	" "	"	✓	
W. G. Niemeyer	" "	"		
Helma Niemeyer	" "	"	✓	
George W. Wells	" "	"	✓	
Laurence H. Granger	Flathead County	SB 441	✓	
Elizabeth M. Granger	" "	441	✓	
Cora Beck Gray	Flathead County	SB 441	✓	
Frank Gray	" "	SB 441	✓	
Clara J. J.	Yellowstone-Targhee APD	SB 441	✓	
Ronald S. J.	Big Horn Co	SB 441		✓
Gerald Nails	Monteagle	SB 240	✓	
" "	" "	SB 441		✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Ronald Waterman
NAME Ward A. Shanahan Bill No. SB 441
ADDRESS 3rd Floor First Nat'l Bank Bldg DATE 2-18-77
Helena, Montana 59601
WHOM DO YOU REPRESENT DREYER BROS INC.
SUPPORT _____ OPPOSE _____ X _____ AMEND _____ XX _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: We oppose the Bill because of the bare opportunity we have been given to respond to this rather far reaching change. We received a copy of the Bill barely 12 hours before the hearing and after we had learned that it was set for hearing.

We dispute that any "emergency" exists which requires the introduction and passage of this legislation.

If the Bill is intended to make the zoning laws apply to commercial or residential developments resulting from mining or industrial activity, it is unnecessary because the zoning law has that effect at the present time.

If the Bill is intended to make the zoning law apply to the mineral or industrial activity itself on the mine or millsite it creates a conflict and interference with the operation of the existing siting and regulatory laws, as well as creating a conflict with the existing provision of Section 16-4710 R.C.M.1947.

We suggest the following amendments:

1. On Page 1 line 21 before the word "development" insert the words "commercial or residential"
2. On Page 1 line 24 after the period on that line insert the following sentence:

"It does not include facilities or associated facilities regulated by the Major Facility siting act, Chapter 8, Title 70, R.C.M. 1947, or mines, millsites, rights of way, operations, areas of land affected, developments, open-cuts, preparatory work or exploration regulated by Chapters, 4, 7, 8, 10, 12, 14, 15, 16, and 17 of Title 50, R.C.M. 1947."

Respectfully submitted.

Service

NAME:

Frank Guey

DATE:

2-18-77

ADDRESS:

244 Forest Dr.

PHONE:

756-5300-235

REPRESENTING WHOM?

Northwest County

APPEARING ON WHICH PROPOSAL:

441

DO YOU:

SUPPORT?

☒

AMEND?

☒

OPPOSE?

☐

COMMENTS:

Bill needed to properly

implement 208

SB 240

PROPOSED AMENDMENTS

1. Amend title, page 1, lines 13 and 14
Following: "BE"
Strike: "OWNERS OF PROPERTY WITHIN SUCH DISTRICT"
Insert: "QUALIFIED ELECTORS"
2. Amend title, page 1, lines 19 and 20.
Following: "DISTRICT"
Strike: "; AND REPEALING SECTIONS 69-3601, 69-3602 and 69-3603, R.C.M. 1947"
3. Amend page 6, section 6, line 8.
Following: "may"
Strike: "be qualified to"
4. Amend page 6, section 6, lines 9 through 16.
Following: "age"
Strike: "or"
Insert: "and"
Following: "is not"
Strike: line 9 through line 16 in their entirety.
5. Amend page 12, section 10, line 5
Following: "exceed"
Strike: "3 mills"
Insert: "1 mill"
6. Amend page 12, section 11, line 8.
Following: "8"
Strike: "3 mills"
Insert: "1 mill"
7. Amend page 17, section 17
Following: line 24
Strike: section 17 in its entirety.

Amendments to State Bill No 240 (Senator McCallum)

1. Amend p. 1, title, lines 13 and 14.
Following: "be"
Strike: "owners of property within
such district"
Insert: "qualified electors"

→
3 2. Amend p. 6, section 6, line 8
Following: "may"
Strike: "be qualified to"

4 3. Amend p. 6, section 6, lines 9 through 16
Following: "age"
Strike: "or"
Insert: "and"
Following: "is not"
Strike: line 9 through ^{line 16} ~~16~~ in their entirety

5 4. Amend page 12, section 10, line 5
Following: "exceed"
Strike: "3 mills"
Insert: "1 mill"

Strike: " 3 mills "
Insert: " 1 mill "

6. Amend page 12, Section 11, line 8
following " 3 "
Strike: " 3 mills "
Insert: " 1 mill "

7. Amend page 17, Section 17
Following: line 24
Strike: Section 17 in its entirety

2. Amend Page 1, title lines 19 and 20
Following: DISTRICT
Strike: " ; AND REPEALING
SECTIONS 69-3601, 69-3602 AND
69-3603, R.C.M. 1947 "

STANDING COMMITTEE REPORT

.....February 19,..... 19 77.

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 240

Respectfully report as follows: That Senate Bill No. 240,
introduced bill, be amended as follows:

1. Amend title, page 1, lines 13 and 14.

Following: "BE"

Strike: "OWNERS OF PROPERTY WITHIN SUCH DISTRICT"

Insert: "QUALIFIED ELECTORS"

2. Amend title, page 1, lines 19 and 20.

Following: "DISTRICT"

Strike: "; AND REPEALING SECTIONS 69-3601, 69-3602 and 69-3603, R.C.M.
1947"

3. Amend page 6, section 6, line 8.

Following: "may"

Strike: "be qualified to"

4. Amend page 6, section 6, lines 9 through 16.

Following: "age"

Strike: "or"

Insert: "and"

~~DO NOT~~

Following: "is not"

Strike: line 9 through line 16 in their entirety.

February 19, 1977

5. Amend page 12, section 10, line 5.
Following: "exceed"
Strike: "3 mills"
Insert: "1 mill"

6. Amend page 12, section 11, line 8.
Following: "8"
Strike: "3 mills"
Insert: "1 mill"

7. Amend page 17, section 17, line 24.
Following: line 24
Strike: section 17 in its entirety.

AND AS SO AMENDED, DO PASS

Senator George McCallum, Chairman

BA.

STANDING COMMITTEE REPORT

.....February 18..... 19 77.....

MR.**President**.....

We, your committee on**Local Government**.....

having had under consideration**Senate**..... Bill No. **441**.....

Respectfully report as follows: That.....**Senate**..... Bill No. **441**.....

~~EXAM~~
DO NOT PASS

G.A.