

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

January 13, 1983

The first meeting of the Local Government Committee was called to order by Chairman George McCallum on January 13, 1983 at 1:05 p.m. in Room 405, State Capitol.

ROLL CALL: Roll was called with several of the Senators coming in late but at 1:15 all were present.

CONSIDERATION OF SENATE BILL NO. 85: Senator Bill Thomas, District #20 and sponsor of the bill, appeared before the Committee. This bill would reduce the notice requirement to not less than 5 days nor more than 15 days before the hearing. Sen. Thomas introduced Bill Walter, representing the Great Falls City-County Planning Board, who would answer any questions the committee might have.

Mr. Walter stated that the amendments were simple and straightforward. The greatest change is in notifying just the property owners that would be affected.

There were no further proponents and no opponents.

DISCUSSION OF SENATE BILL NO. 85: Sen. VanValkenburg asked Sen. Thomas if there was an urban renewal plan being proposed in the Great Falls area that had given rise to the need for this bill and Sen. Thomas replied that there was not.

Mr. John Mooney of the City-County Planning Board said the city of Great Falls did adopt an urban renewal plan in 1977. The present provisions in the statutes are very cumbersome because of the number of property owners in the area. It costs about \$450 in mailing to notify the owners. Sen. VanValkenburg asked who decides what property is affected, to which Mr. Mooney replied that it is owners within 150 feet of the property considered for annexation.

There was no further discussion by the committee.

CONSIDERATION OF SENATE BILL NO. 86: This was also sponsored by Sen. Thomas and would reduce the protest period from 20 days to 10 days. Mr. Walters was available for questions from the committee on SB 86 also.

There were no proponents and no opponents.

DISCUSSION OF SENATE BILL 86: Mr. Mooney, in answer to a question from Sen. Crippen, said this is an accommodation to the property owners that want to be annexed and not an accommodation to the

governing body. Sen. Story wondered why there would have to be any protest period if this is for the people who want to be annexed.

Chairman McCallum asked what is meant by "contiguous government property", to which Mr. Mooney replied it would be state highway right-of-ways, parks, government controlled land, etc. adjacent to the annexed area.

There was some concern expressed about reducing the number of days in which a person could protest. Mr. Mooney replied that it was primarily to expedite the process.

There being no further discussion by the committee the next bill was brought forth.

CONSIDERATION OF SENATE BILL NO. 87: Sen. Thomas, also sponsor of SB 87, explained that this bill would reduce the minimum notice of a public hearing from 15 days to 10 days and would also allow the governing body to grant approval or conditional approval on a preliminary plat to not more than three years.

Mr. Walters felt that 15 days is somewhat excessive and at the present time they are actually going through two notification procedures and two public hearings. He felt that this would be much better for the developer in that he could preliminary plat his entire project and then would only have to finalize it by phases.

PROPOSERS: Ardi Aiken, Great Falls, appeared as an advocate for all three bills.

Al Johnson, City Manager, Great Falls, appeared in favor of all three bills. He had not been able to detect any strong opposition to the bills from officials in cities of comparable size.

Dennis Rehberg, representing the Montana Association of Realtors, cited a Billings case that has not been finalized yet and handed out to the Committee some documentation of the red tape that has hampered this developer. (Exhibit #1 attached) He did not feel that this extension to three years would eliminate the red tape but felt that it would have been advantageous to the developer.

Karma Rudy, City of Billings, wanted the committee to be aware that there is a bill in the House, HB 129, that would allow local governments to establish their own planning and zoning procedures.

H.S. "Sonny" Hanson, Montana Association of Planners, felt this would facilitate the developer in a phased approach and was in support of SB 87.

Mr. Mooney stated that all three of these bills have been under review in Great Falls since last spring by the City-County Planning Board, the City Commission, Cascade County Commission and the Great Falls Area Chamber of Commerce.

There were no further proponents.

OPPONENTS: Charles Landman, Montana Environmental Information Center, opposed all three bills because they would deny people the time to become aware and involved. He did not believe all approvals should be for a period of three years.

There were no further opponents.

In closing, Senator Thomas stated that for two years a citizen's group had been working on streamlining these procedures and expressed hope that the committee would look favorably on these bills.

DISCUSSION OF SENATE BILL NO. 87: Sen. Hammond asked if HB 129 would give this power and Dave Bohyer, researcher from the Legislative Council, said it would give cities with self-governing powers more flexibility.

Sen. VanValkenburg, in answer to Mr. Landman's statement about all approvals being for a period of three years, pointed to page 3, line 11 that states: "for not more than 3 calendar years"; not that every approval had to have three years and after reading this Mr. Landman agreed with the Senator.


There were no further questions from the committee. The public hearing on Senate Bills 85, 86 and 87 was closed.

Chairman McCallum thanked all the witnesses for their testimony and time.

Chairman McCallum asked the committee members if they wanted Dave to do some more research on these bills before any action is taken. Sen. VanValkenburg felt that the committee should not take action on the same day as the hearing but to do this at the following meeting. Chairman McCallum did not want this to become a hard and fast rule for all bills as some might require immediate action. He also stated that no amendments are to be written in committee. Dave will draft the amendments and bring them to the following meeting for action.

Senator VanValkenburg introduced his aide for this session. Paul Rapp-Svrcek will be working for Missoula County and the Missoula delevation and will be available to this committee if they so wish.

ADJOURNMENT: The meeting adjourned at 1:50 p.m.

  
GEORGE MCCALLUM, CHAIRMAN

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date Jan. 13 1983

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER	✓		
CRIPPEN	✓		
HAMMOND	✓		
STORY	✓		
MARBUT	✓		
CONOVER	✓		
FULLER	✓		
THOMAS	✓		
VAN VALKENBURG	✓		
BOYLAN	✓		
McCALLUM	✓		

DATE January 13, 1983

COMMITTEE ON Local Government

BILL NO. SB 85-86 4

# VISITOR'S REGISTER

(Please leave prepared statement with Secretary)

NAME: HS Hanson DATE: 1/13/83

ADDRESS: HLM

PHONE: \_\_\_\_\_

REPRESENTING WHOM? MT. Technical Council

APPEARING ON WHICH PROPOSAL: SIB-87

DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

### Two (2) BENEFITS

(1) SHORTEN THE TIME SHOULD HELP  
THE SMALL COMMUNITIES TIME  
FRAME BY SPEEDING UP THE  
PROCESS

(2) EXTENDING FROM 1 yr TO 3 yr  
SHOULD PROVIDE FOR PHASE  
CONSTRUCTION AS WELL AS  
NOT REQUIRING EXTENSIONS ON  
THE PRELIMINARY PLAN.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE: 1-13-83

ADDRESS: P.O. Box 1178, BILLINGS, MONTANA 59103

PHONE: 406-657-8206

REPRESENTING WHOM? CITY OF BILLINGS

APPEARING ON WHICH PROPOSAL: SB 87

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS:

H.B. 129 WOULD ALLOW SELF-GOVERNING CITIES &/OR COUNTIES TO DETERMINE THEIR OWN ZONING AND PLANNING PROCEDURES (NOT INCLUDING PLATTING OR SUBDIVISION REQUIREMENTS; THESE WOULD STAY UNDER STATE REGULATION). WE THINK WE COULD ELIMINATE SOME RED-TAPE. ANY COMMUNITY COULD CHOOSE TO CONTINUE USING THE STATE PROCESS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Charles Landman DATE: 1/13

ADDRESS: 130X 1134 HELENA, MT.

PHONE: 443-2520

REPRESENTING WHOM? Mont. Env. Info Center

APPEARING ON WHICH PROPOSAL: 94, 95, 96, 97

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME :

DATE: 1/13/83

ADDRESS :

26 15 7th Ave. No. Great Falls Office:  
P.O. 5021

PHONE :

453-4975

## REPRESENTING WHOM?

Great Falls City - County N. Bd.

APPEARING ON WHICH PROPOSAL:

SB 85 86 ~~87~~

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Mooney

DATE: 1-13-83

ADDRESS: PO Box 5021, 6th Flr, 59403

PHONE: 452-2374

REPRESENTING WHOM? Great Falls City Co Planning Board

APPEARING ON WHICH PROPOSAL: SB 85 - 86 - 87

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

## SUBDIVISION BUREAU



TED SCHWINDEN, GOVERNOR

# STATE OF MONTANA

(406) 449-3946

October 26, 1981

HELENA, MONTANA 59620

*Exhibit A*  
*Jan. 13, 1983*  
COGSWELL BUILDING

Honorable Ted Schwinden, Governor, State of Montana, Helena, MT 59620  
Honorable George Thurman, Lieutenant Governor, State of Montana, Helena  
Department of Fish, Wildlife and Parks, Wildlife Division, Helena  
Department of Fish, Wildlife and Parks, Ecological Services Division, Helena  
Department of Fish, Wildlife and Parks, Region II, 3309 Brooks, Missoula  
Department of Highways, Engineering Division, Helena  
Department of Natural Resources and Conservation, Energy Planning  
Division, Helena  
Department of Natural Resources and Conservation, Water Resources  
Division, Helena  
Department of State Lands, Helena  
Montana Bureau of Mines & Geology, c/o Montana Tech, W Park St, Butte  
Environmental Quality Council, Helena  
Montana Historical Society, State Historic Preservation Program, Helena  
Montana State Library, Helena  
U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln St  
Denver, CO 80295  
U.S. Environmental Protection Agency, Federal Building, 301 S. Park,  
Drawer 10096, Helena  
U.S. Fish & Wildlife Service, Federal Building, Room 3035,  
316 N. 26th Street, Billings, MT 59101  
U.S. Federal Energy Administration, Region VIII, 1075 S. Yukon, Box  
26247, Belmar Branch, Lakewood, CO 80226  
U.S.F.S., BPA, Soil Conservation Service, 818 Burlington Avenue,  
Missoula, MT 59801  
Honorable John Melcher, United States Senate, Washington, D.C. 20510  
Honorable Max Baucus, United States Senate, Washington, D.C. 20510  
—Honorable Ron Marlenee, House of Representatives, 1641 Longworth Bldg,  
Washington, D.C. 20515  
Dr. John F. McGregor, Prospect Heights Medical Center, 401 15th Avenue  
South, Great Falls, MT 59405  
Dr. Raymond Grondahl, 3035 Moulton St, Butte, MT 59701  
Tennie Bottomly, 3729 Hamilton Rd, Belgrade, MT 59714  
George Lackman, 115 High Park Way, Missoula, MT 59801  
Dr. Kenneth C. Lee, P.O. Box 340, Scobey, MT 59263  
William A. Spojka, Jr, Box 882, Lewistown, MT 59457  
Edwin Zaidlicz, 724 Park Lane, Billings, MT 59102  
County Commissioners, Courthouse, Billings, MT 59101  
County Agency, Courthouse, Billings, MT 59101  
Superintendent of Schools, Courthouse, Billings, MT 59101  
Sheriff, Courthouse, Billings, MT 59101  
County Attorney, Courthouse, Billings, MT 59101  
County Library 510 N. Broadway, Billings, MT 59101  
County Sanitarian, Courthouse, Billings, MT 59101