

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on February 16, 1995, at
12:30 p.m.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Ethel M. Harding, Vice Chairman (R)
Sen. Sharon Estrada (R)
Sen. Delwyn Gage (R)
Sen. Don Hargrove (R)
Sen. Dorothy Eck (D)
Sen. John "J.D." Lynch (D)
Sen. Jeff Weldon (D)

Members Excused: none

Members Absent: none

Staff Present: Susan Fox, Legislative Council
Elaine Johnston, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 399, SB 299, SB 323, SB 377
Executive Action: SB 263, SB 282, SB 309, SB 377, SB 399

{Tape: 1; Side: A; Approx. Counter: ; Comments: .}

EXECUTIVE ACTION ON SB 263

Discussion:

Susan Fox, Legislative Council, stated that the original bill would allow county officials more leeway within their budgets. She pointed out there was some concern about the words "as the final budget for each fund" and a proposed amendment would take out that language.

Motion/Vote: SEN. DOROTHY ECK MOVED TO ADOPT THE AMENDMENT. THE
MOTION CARRIED UNANIMOUSLY.

Motion: SEN. ECK MOVED SB 263 DO PASS AS AMENDED.

Discussion:

CHAIRMAN TOM BECK stated that SB 263 would allow counties more latitude in shuffling funds in their budgets.

SEN. JEFF WELDON noted that the amendment took away the concerns of Gordon Morris, Montana Association of Counties (MACO) and Blake Wordal, Lewis & Clark County Commissioner.

SEN. DELWYN GAGE asked if anyone could tell him what the three sections were under subsection 2?

Ms. Fox gave a description of each section.

Vote: THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 282

Motion: SEN. J.D. LYNCH MOVED THAT SB 282 BE TABLED.

Discussion:

SEN. LYNCH said that if the bill would delay building highways up to two years.

CHAIRMAN BECK pointed out the fiscal impact of over four million over the biennium.

SEN. DOROTHY ECK felt SEN. BURNETT'S intent was good but needed to be approached another way.

SEN. DELWYN GAGE felt that something could be put in statute that would solve the problem that if a piece of land was left and the description was destroyed by the highway easement, upon sale of the land, the Highway Department would have to pay the cost of a survey.

CHAIRMAN BECK agreed in that the intent of the bill had gotten out of perspective to have the fiscal impact it had. He did not know the proper way to go about getting the intent of the bill done without a large fiscal impact.

SEN. LYNCH said that if they table the bill SEN. GAGE could come up with a solution in the next 48 hours. He said he had no problem with the intent.

SEN. GAGE said that a person would not need the legal description until they sold the land.

Vote: THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 309

Motion: SEN. LYNCH MOVED THE STATEMENT OF INTENT AND THE AMENDMENTS.

Discussion:

CHAIRMAN BECK said that he had some concern that when safety concerns allowed for abandonment. The amendments allowed for public notice and hearing about the abandonment.

SEN. ETHEL HARDING asked if the questions presented in the hearing were addressed in the amendments?

CHAIRMAN BECK said that the sheet they had answered the questions and he went through them. He asked **Gordon Morris** to explain what 7-14-26 of the codes was.

Mr. Morris stated that section dealt with the creation and abandonment of county roads.

CHAIRMAN BECK continued through the last question from the hearing and stated the amendments dealt with the answers.

Mr. Morris added that there were other amendments offered at the hearing.

Ms. Fox stated that a statement of intent would be used when rule making authority would be granted and SB 309 did not have any rule making authority. She asked if she could modify the amendment to use the "where as" clause.

Vote: THE MOTION CARRIED UNANIMOUSLY.

Discussion:

CHAIRMAN BECK looking at the second set of amendments, asked if the one dealing with appropriated funds should come before the highway description?

Paul Stahl, stated the reason the amendment was in there was because the Department was not the only state agency that had public highway roads.

Motion/Vote: SEN. LYNCH MOVED TO ADOPT THE AMENDMENTS. THE MOTION CARRIED UNANIMOUSLY.

Discussion:

SEN. WELDON questioned the definition of county road on page 4 line 8, and asked if they should include in the language private roads?

Mr. Stahl said that under that section a county road was a public road.

CHAIRMAN BECK noted that in the amendments, they put in "the jurisdiction of which has been accepted by a resolution of the board of county commissioners".

Motion: SEN. LYNCH MOVED SB 309 DO PASS AS AMENDED. .

Discussion:

CHAIRMAN BECK stated that the bill allowed counties to assess special improvement districts on stretches of roads.

Mr. Stahl said it allowed the counties to establish RID's on public roads and were now limited to county roads which would be created by petition, and those roads physically impractical to bring to county standards.

CHAIRMAN BECK stated the bill was only for public roads and not county roads. He then asked if after the establishment of an RID it would be a county road.

Mr. Stahl said a county road was currently a public road and an RID may be established if a road is a public road.

SEN. DOROTHY ECK stated it may not be a county road it could be a Fish and Game road and could still establish an RID.

Mr. Stahl noted the county only had jurisdiction over roads that were not state, federal, or city.

CHAIRMAN BECK asked if they could stay a public road for maintenance purposes by the county?

Mr. Stahl said that was correct.

SEN. DON HARGROVE commented that he was having a hard time finding a compelling reason for SB 309.

CHAIRMAN BECK stated there was limited county funds for road maintenance and with the subdivision activity in some areas, the county can not accept all those roads without some revenue. He said that to create a SID it would take a vote of the people.

Mr. Stahl stated that the way a SID works was there would be no requirement that it begin by petition. There would have to be a hearing and notice by certified mail would go out to all the people involved so they have the opportunity to protest.

CHAIRMAN BECK asked clarification that there was no authority to put a SID on for road improvements at the present time?

Mr. Stahl said that was the opinion of about 60% of the county attorney in the state.

SEN. GAGE asked if the vote required 51% of the owners or 51% of the area?

Mr. Stahl said the law spoke in terms of free holders which raises some question itself. He continued that it was by the assessment role or the owner.

SEN. GAGE asked what 7-14-2111 and 7-14-2112 referred to in regard to standards?

Ms. Fox said they dealt with the layout of roads.

SEN. GAGE commented that if when originally built the road did not meet the specks, they could be brought into a SID.

Vote : THE MOTION CARRIED WITH **SEN. HARGROVE** AND **SEN. BECK** VOTING "NO".

Discussion on SB 296

CHAIRMAN BECK allowed the some additional comments on SB 296 as the meeting was cut short on 2-14-95.

Mitzi Schwab, Food and Consumer Safety Bureau, Department of Health, stated she would work with **SEN. HARDING** to explain the amendments. She said they tried to put them together as a compromise process to include as many of the concerns of those who testified in opposition to SB 296. She noted they were trying to allow as many option that **SEN. HARDING** wished to have that minimized the public health negative impact. They removed the provisions for potentially hazardous food sales and restricted the preserve definition to what was considered to be the lease potentially hazardous preserves.

HEARING ON SB 399

Opening Statement by Sponsor:

SEN. JIM BURNETT, SD 12, Luther, presented SB 399 on behalf of the landowners of Stillwater County. The county was putting forth their master plan in zoning and they wanted input into the plan. SB 399 would allow qualified electors to vote on the various projects that the county commissioner would like to do under their zoning situation. SB 399 would give the land owners the chance to determine how the master plan would be implemented.

Proponents' Testimony: none

Opponents' Testimony:

Jim Richards, Montana Association of Planners, stated that SB 399 had some very serious implications. Most counties have implemented county planning boards and created comprehensive plans which become public policy which do receive public input. He felt that subjecting the mere creation of a county planning board to a vote was unnecessary. He pointed out that on page four the bill was trying to change the history on private property takings and open up a fairly well understood complex issue to litigation. He urged the committee to defeat SB 399.

Cheryl Beattie, Chief Executive Officer, Anaconda Deer Lodge County, stated that the county master plan and planning boards are essential tools for good government. She gave the example of the Super Fund in her county and how the master plan and it were linked together.

Maureen Cleary-Schwinden, representing Women in Farm Economics, stated they were concerned with page 4, line 8, and they wanted to know what exactly the impact of the new language there would have on agriculture in regards to zoning. She felt this was a risky piece of legislation and they urged a careful look at SB 399.

Leonard Wortman, Jefferson County Commissioner, stated that with the rapid growth in Montana, planning for the future was imperative. He felt SB 399 was a real detriment to the planning process. The expense involved with holding elections, he thought commissions may be reluctant to do that. He also questioned page 4, line 8.

Jim Nugent, Missoula City Attorney, stated that **Mayor Kemmis** requested he attend to oppose SB 399. They were especially concerned with page 4, line 8 through 13. He stated the property owner was not legally entitled to what they perceive to be the highest and best use for their land. SB 399 would allow the land owner to obtain compensation for perceived devaluation of their property. He stated SB 399 was confusing and seemed to punish tax payers. He presented a letter from one of their City Council members (**EXHIBIT 1**). He urged the committee to kill SB 399.

Glenna Obie, Jefferson County Commissioner, submitted that the master plan in Jefferson County did include public input. She stated the language in section four created a huge burden on county commissions and local governments. She urged the rejection of SB 399.

Paul Johnson, representing Montanans for a Healthy Future, stated that SB 399 would outlaw the implementation of a county plan by requiring county commissioners to compensate any reduction in a person's interest in the value of property subject to the plan. Current law provides for just compensation to a land owner who was deprived of their property as a result of government action.

He felt this was a broad attack on the county planning process and he urged the committee to not pass SB 399.

Gordon Morris, MACO, stated they opposed SB 399 for all the previous reasons.

Alec Hanson, League of Cities and Towns, stated they opposed SB 399 and presented a letter from the Mayor of Red Lodge (**EXHIBIT 2**).

Janet Ellis, Montana Audubon Council, stated they opposed SB 399 as the master plan was an important tool for counties to control their future.

Anne Hedges, Montana Environmental Information Center, stated they opposed SB 399.

Larry Gallagher, City of Kalispell, Flathead County Planning Office, stated that Flathead County would be going to election the following year on their master plan that was adopted after a half a million dollar was spent on a public private partnership to develop the plan. He felt this bill would be impossible to implement and urged the committee's do not pass recommendation.

Ted Lange, Northern Plains Resource Council, stated they were opposed to SB 399 and the provision under eminent domain law listed all kinds of instances where there was actual physical occupation of private property. He noted a master plan was a guidance for the benefit of the community as a whole. He urged opposition to the bill and presented some testimony from the Beartooth Front Community Forum (**EXHIBIT 3**).

Kathy Macefield, Helena Planning Director, presented her written testimony (**EXHIBIT 4**).

Melissa Case, representing Montana Peoples Action and Montanans Against Toxic Burning, stated that for all the previous reasons they opposed SB 399.

J.B. Bennet, representing the Montana Public Interest Research Group, and stated they opposed SB 399.

Questions From Committee Members and Responses:

CHAIRMAN BECK asked **SEN. BURNETT** for a fiscal note on SB 399 and wanted to know if he had requested one? **SEN. BURNETT** said he had not.

SEN. GAGE brought up a case in Florida where the courts required reimbursement to the property owners who had bought some land for a specific purpose and an ordinance was passed not allowing them to use the land for its intended purpose. He asked if there would be a difference between that case and what was being done in SB 399? **John Shontz, Montana Association of Realtors**, noted a

case in South Carolina where a man owned two lots for development and the city zoned the area for open space only, the Supreme Court ruled it as a takings. A case in Oregon followed suit with the South Carolina ruling. SB 399 would take that a step further but the Supreme Court was showing sensitivity to property owners.

Closing by Sponsor:

SEN. BURNETT, stated the board of county commissioners in Stillwater County wanted to set up zoning up to the forest boundary and the people of that county did not object but only wanted to have a say in the plan.

{Tape: 1; Side: B; Approx. Counter: ; Comments: .}

HEARING ON SB 377

Opening Statement by Sponsor:

SEN. JEFF WELDON, SD 35, Arlee, presented SB 377 on behalf of the Governor's Task Force to Renew Montana Government. SB 377 dealt with boards and commissions and would place at the local level rather than the state level, the authority and responsibility for structuring boards and commissions listed in section two of the bill. SB 377 would allow counties to have the option to continue operating boards and commissions as they are or change the structure and workings of the boards and commissions. If the county should decide to change the boards they must do so within the constraints listed in section 1. There were several benefits to SB 377 in that boards and commissions should be a local issue and when state statutes dictate requirements for boards and commissions, they impose a one size fits all approach in managing local issues. He said the boards and commissions picked were those where the state would have no interest. The boards and commissions included did not have elected membership, taxing authority, or judicial authority. Section three dealt with how to fill vacancies when there was no interest by anyone to sit on the board. SB 377 basically transferred authority of how business was conducted on boards and commissions.

Proponents' Testimony:

David Ashley, Deputy Director, Department of Administration, stated he worked on the Governor's Task Force and submitted the recommendations of the Task Force to the committee (EXHIBIT 5). He urged the committee's support for SB 377.

Gordon Morris, MACO, stated they support SB 377.

Blake Wordal, Lewis and Clark County Commissioner, stated they support SB 377 for the reasons stated.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. HARDING asked if SB 377 would have any affect on local government reviews? Mr. Morris responded that SB 377 would specifically apply to the traditional three member county commission. The study review process resulting in the charter would take them out of all the sections other than where they specifically chose to have certain provisions apply within the framework of their charter.

SEN. ECK asked Mr. Morris if he could assure the committee that it would be ok to repeal all those sections of law? Mr. Morris assured SEN. ECK that all of the sections repealed where ok.

Closing by Sponsor:

SEN. WELDON said if the committee believed in the premise that local government and their governing boards should have the flexibility to govern as they see fit then SB 377 should be passed.

HEARING ON SB 299

Opening Statement by Sponsor:

SEN. TOM BECK, SD 28, Deer Lodge, presented SB 299 which was an act providing for a procedure for terminating a local water quality district or joint local water quality districts. The statutes allowed for the creation of a water quality district but did not allow for the district to be terminated. SB 299 would create new sections giving an explanation that in the event people would want to get rid of a water quality district, they would have to follow a certain procedure.

Proponents' Testimony:

Vivian Drake, Supervisor Lewis & Clark County Water Quality Protection District, stated they support SB 299 as the current law did not address termination of local districts. They did have two concerns with the bill. There are currently provisions in Montana Law allowing petitions to repeal districts be presented to the county commission and the requirement of a special election. They would like the language to show the election could be held at the next regular election date.

Blake Wordal, Lewis and Clark County Commissioner, stated he felt there should be legislation on the books to be able to terminate a water quality district. He also mentioned that the next regular election should be put in the bill so there would be no unnecessary cost.

Al Kington, Helena Valley resident, stated he lived within a water quality district and SB 299 was needed. He also agreed with having the election at regular election time rather than a special election. He asked the committee's support of SB 299.

Andy Skinner, Helena resident, stated that SB 299 was very important and all the people proposing amendments should discuss them **SEN. BECK**.

John Shontz, representing the Montana Association of Realtors, stated they supported SB 299. He pointed out that on page 1 line 15, the 20% should be made consistent with other districts and be changed to 15% of the owners of the assessed units.

Larry Brown, Agriculture Preservation Association (APA), stated **Mike Murphy, MT Water Resource Association**, also asked him to reflect his support for SB 299. **Mr. Brown** stated they agreed with the previous comments and felt that the public needed to be notified and vote on local water districts.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. WELDON asked if the amendment suggested regarding elections was ok with **SEN. BECK**. **SEN. BECK** said he was receptive to the amendment and did not want the counties to incur any more cost than they had to.

SEN. WELDON asked if SB 299 would fall under a unfunded mandate as he felt SB 299 would be an additional responsibility to the counties? **SEN. BECK** did not feel it was an unfunded mandate. He pointed out that they were correcting an oversight to be able to get out of a water quality district. He noted that the bill was not making them terminate a water quality district, it was allowing people the authority to terminate a water quality district.

SEN. ECK said she had a note from **Carole Mackin** questioning that SB 299 requires the signature of 20% or more of the owners of the assessed units. She was wondering if it would be difficult to ascertain whether those were correct signatures? **SEN. BECK** said he did not feel that would be very difficult. If you were collecting a fee from someone, you would have their name right next to it to see if you had collected the fee or not. He felt they would have in their accounting system who was paying a fee and who was not. He also pointed out that they wanted 20% or more of the fee assessed units.

SEN. ECK asked if in the election process they would have a list of those assessed to make sure those voting were valid? **SEN. HARDING** replied that the election office would only have registered owners and would have a signature.

SEN. ECK asked for clarification that the election office would verify the signatures. **SEN. HARDING** said she did not know about that but when they check on assessments, that would go through the county assessor office.

SEN. ESTRADA asked **Mr. Shontz** to clarify what the 15% he mentioned was? **Mr. Shontz** responded that some of the other district laws need 15% of the district to put something on the ballot. **Ms. Drake** also replied that the implementation language of districts allows 20% protest from owners of fee assessed units. The 15% arises from already existing Montana Code 7-5-131 in which 15% of registered electors may petition county commissioners.

SEN. GAGE asked if all the units within a water quality district assessed? **Ms. Drake** said that a fee assessed unit was defined as real property with improvements and mobile homes. She gave the example if you had a parcel in town with a home on it that would be assessed and if you had a parcel in the county with nothing on it that would not be assessed. She said the intent was to assess people who use and dispose of water.

SEN. GAGE stated his reason for the question was that fee assessed owners were the ones subject to the 20% but the voters were the ones in voting in out which did not make sense to him. He asked why that made sense? **SEN. BECK** said the reason he had the fee assessed units in there was because they were the ones being taxed. The 20% was the fee assessed people and not just registered voters.

SEN. GAGE asked what would happen if they only received 49% of the people turning out to vote? **SEN. BECK** said his intention for having a majority of the voters turn out then the district could be terminated. He stated he would like to take a look at that part of the bill before executive action.

SEN. ECK asked what the purpose of establishing a water quality district was? **Ms. Drake** responded that in Lewis & Clark County in the 1980's, identified a number of threats to water quality. They did not have a good way to locally address those issues and in 1991 legislation was passed to allow local water quality districts to be established to address those issues locally. She said there was certain regulatory and ordinance writing authority under the legislation that Lewis & Clark County had opted not to use. Lewis & Clark and Missoula Counties were the only two with water quality districts currently while others were considering. She also noted that the water quality district in Lewis & Clark County was the whole county but the fee assessed area was only the Helena Valley Basin and the mountains around it.

Closing by Sponsor:

SEN. BECK stated one of the reasons he wanted SB 299 was that in the event you had a ground water problem and the problem has been

solved, then there would be no need for the water quality district. "Why assess the people something that you don't have to spend the money on."

HEARING ON SB 323

Opening Statement by Sponsor:

SEN. TOM BECK, SD 28, Deer Lodge, presented SB 323 which evolved from the Helena Valley. SB 323 was an act requiring local governments to hold public meetings before adopting interim zoning regulations. He noted that at the present time there was an emergency zoning provision that allows for counties to come in and emergency zone an area that has been impacted. In Lewis & Clark County, they found the statute being used as the beginning of a master plan for the whole entire county. **SEN. BECK** felt that an emergency provision was for specifically an emergency. An emergency he felt would be a major mine development starting up. You could have the authority to go up and do some emergency planning right away so that you would have some organization. SB 323 was trying to define an emergency and gave parameters in which the provision could be used. It also would take the master plan to a vote of the people. He said they were trying to give some direction to the commissioners.

Proponents' Testimony:

Blake Wordal, Lewis & Clark County Commissioner, stated they had worked with **SEN. BECK** over the process they went through in the county. He noted it was not a good process they used and they learned from the experience. He stated they support SB 323 with the amendments they proposed to **SEN. BECK**.

Scott McQue, Helena Property Owners, thanked **SEN. BECK** for putting out SB 323 and they strongly supported the bill. He felt it reasonably outlined zoning procedures.

Andy Skinner, Helena resident, supported SB 323 and noted they have had a serious problem in Lewis & Clark County and it was time the government recognize that people rule and not a small group of planners. He said the justification of emergency zoning by telling people they cannot build a houses in Lewis & Clark county over 24 feet high because it would take four people to set a ladder he had a terrible time with.

Dave Kogley, Helena Builder, and representing the Montana Building Industry Association, supported SB 323 and stated it did three things they recommend. SB 323 provided a guarantee for public input, guidelines for what an emergency would be, and it requires a statement in the proposal as to what the emergency is and what the ramifications would be of a particular type of development. He recommended the committee pass SB 323.

Chris Racicot, Montana Building Industry Association, presented his written testimony (EXHIBIT 6).

John Shontz, representing the Montana Association of Realtors, stated that emergency zoning was not always necessary to implement and the Lewis & Clark incident was a classic example of how the law can be abused. He felt there was two pieces to SB 323, the first being the definition of emergency and second the involvement of the public. He expressed to the committee that the master plan and zoning should be used in conjunction but that should not be abused. He urged the committee to support SB 323 and resist amendments that would turn actual emergencies into potential emergencies.

Larry Brown, APA, also representing Mike Murphy, MT Water Resource Association, stated they supported SB 323 and they were concerned about the issue in that planning was a way in which local governments have gained more power. He pointed out their associations were particularly tuned into the issues and how they would affect agricultural land in particular the water resources from instream flow, stream channels, to ground water. He urged the committee's support.

Bryan Staley, Professional Engineer from Helena, supported SB 323 and stated it was sad that the bill had to be drafted as when the Lewis & Clark County Resource Performance Standards was developed under the guides of emergency interim zoning this could have been taken care of. He also stressed that the committee be cautious of amendments that throw in language of potential emergencies.

Steve Mandeville, Real Estate Agent, supported SB 323 as he stated necessity is the mother of invention. He said he would like to see emergency zoning become emergency zoning. He urged the committee's support of SB 323.

Kathy Macefield, Helena Planning Director, presented her written testimony (EXHIBIT 7).

Mark Johnson, Lewis & Clark Resident, felt the emergency zoning regulation would take away all use of his land. He stated that there was need for legitimate zoning and that should be done through the master and comprehensive plan with much public input. He urged the committee to help guarantee the will of the people would be included in the zoning process by approving SB 323.

Opponents' Testimony:

Jim Richards, Montana Association of Planners, stated that the statute they were dealing with has worked in practice without SB 323. He felt there was not a need for SB 323 as citizens in Lewis & Clark county succeeded in stopping an interim zoning. He stated that defining an emergency was not what the statute was attempting to do in 1971. He noted he would prefer at the local community through extensive public process be the ones to

determine whether or not interim zoning would be necessary. He expressed his favor for the portion of SB 323 that allowed for public hearing but recommended that the language defining emergency be struck leaving the decision to the local community.

Anne Hedges, Montana Environmental Information Center, stated that she really liked the public participation and did support the idea of defining under what conditions the interim zoning should be implemented. However, she was concerned with some language and how it could be interpreting the language. She noted that they could be in support of SB 323 if their concerns were addressed.

{Tape: 2; Side: A; Approx. Counter: ; Comments: .}

Ted Lange, Northern Plains Resource Council, stated he concurred with the other opponents and felt that SB 323 went too far.

Janet Ellis, Montana Audobon Legislative Fund, stated that interim zoning was used to maintain the status quo while some kind of planning process goes forward. She felt the definition of emergency would have made it impossible to ever use interim zoning again.

J.B. Bennet, Montana Public Interest Research Group, stated that for the previous reasons they also opposed SB 323 in its present form.

Questions From Committee Members and Responses:

SEN. GAGE asked if line 1 through 3 on page 2 addressed his concern about notices alluding to what would be proposed. **Mr. Kogley** said they did take care of his concerns.

SEN. GAGE asked if proposed language was also making reference to a possible emergency? **Mr. Kogley** said the language he was referring to alluded to imminent or direct significant cause.

SEN. ECK pointed out that in cases of mines, people could not do anything about interim zoning and she asked **SEN. BECK** if that was what he intended? **SEN. BECK** said his intention of the zoning aspect was the development that would come in with the mine. If a mine was permitted and ready to go, that would be a provision to come in and develop a surrounding. The land for the mine would not be subject to zoning but the land around the mine would.

SEN. ECK said they could not zone a mine out but could still use interim zoning to zone the area around the mine so that it would be developed appropriately. **SEN. BECK** said that was his intent of SB 323.

SEN. ECK stated that interim zoning has been used successfully and SB 323 would not allow for that to happen in some cases.

SEN. BECK responded that he was not getting rid of emergency zoning provisions only putting some parameters in that would define a general master plan separate from an emergency zoning situation.

SEN. GAGE stated he liked the stated review and permitting section of the bill even though people locally may not like what could be happening (for example a new mine), but it could benefit the whole state.

SEN. ECK asked why there was a retroactive effective date and if it had anything to do with the mine Jefferson County zoned out?

SEN. BECK said that was not the reason and the reason was at the time the bill was drafted it appeared Lewis & Clark County was going to go ahead and do an interim zoning. SEN. BECK noted that the people of Jefferson County voted on their zoning. Mr. Kogley said the mine was not adopted under emergency zoning plans but was under permanent zoning. They went through the whole hearing process but did not get voted on by the people.

SEN. ECK asked if there were any particular zoning actions that would be made ineffective by the retroactive date? SEN. BECK replied that to his knowledge there would be no effect and that Lewis & Clark County put their zoning on hold waiting for the outcome of SB 323.

Closing by Sponsor:

SEN. BECK closed.

EXECUTIVE ACTION ON SB 377

Motion: SEN. WELDON MOVED SB 377 DO PASS.

Discussion:

SEN. WELDON said SB 377 was an effort to manifest the local control song being heard continually.

SEN. ECK said SB 377 could prevent close to half a dozen bills every year.

Vote: THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 399

Discussion:

CHAIRMAN BECK said he offered SEN. BURNETT the opportunity to get a fiscal note on SB 399.

SEN. ECK said she did not feel it needed one.

SEN. WELDON said it only dealt with local governments and there was no state impact.

CHAIRMAN BECK thought there was some impact to local governments and he thought they were writing fiscal notes for all.

SEN. ECK said they should write them for all but they hadn't been.

Ms. Fox said she did not know who they would send the request to.

Motion/Vote: SEN. HARGROVE MOVED TO TABLE SB 399. THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 2:50 p.m.


SEN. TOM BECK, Chairman


ELAINE JOHNSTON, Secretary

TB/ej

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE _____

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SENATE STANDING COMMITTEE REPORT

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February 16, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 41 (first reading copy -- white), respectfully report that SB 41 be amended as follows and as so amended do pass.

Signed: Sen Tom Beck
Senator Tom Beck, Chair

That such amendments read:

1. Title, line 4.

Strike: "AN OPTIONAL"

Insert: "A"

Following: "ASSESSMENT FOR"

Insert: "FEASIBILITY STUDY COSTS FOR"

2. Title, line 5.

Strike: "7-13-2303"

Insert: "7-13-2301"

3. Page 1, line 9 through line 23.

Strike: Section 1 in its entirety

Insert: "Section 1. Section 7-13-2301, MCA, is amended to read:

"7-13-2301. Establishment of charges ~~for services~~. (1) The board of directors shall fix all water and sewer rates and shall, through the general manager, collect the sewer charges and the charges for the sale and distribution of water to all users.

(2) The board in the furnishing of water, sewer service, other services, and facilities shall fix ~~such the~~ rate, fee, toll, rent, or other charge ~~as that~~ will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and so far as possible, provide a sinking or other fund for the payment of the principal of ~~such the~~ debt as it may become due.

(3) The board of directors may impose on all properties in the district a charge sufficient to defray the costs of engineering or other services required in designing or preparing a feasibility study for a water or sewer system. These charges may be based on any method authorized for rural special improvement districts in 7-12-2151.

(4) Notwithstanding any other section of this part or part 22 or limitation imposed ~~therein~~ in this part or part 22 and when the board has applied for and received from the federal government any money for the construction, operation, and maintenance of treatment services and works, the board may adopt

JA Amd. Coord.

SA Sec. of Senate

401337SC.SRF

a system of charges and rates to require that each recipient of treatment works services pays its proportionate share of the costs of operation, maintenance, and replacement and to require industrial users of treatment works to pay the portion of the cost of construction of the treatment works ~~which~~ that is allocable to the treatment of that industrial user's wastes ""

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 16, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 377 (first reading copy -- white), respectfully report that SB 377 do pass.

Signed:


Senator Tom Beck, Chair



Amd. Coord.
Sec. of Senate

401534SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 16, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 263 (first reading copy -- white), respectfully report that SB '263 be amended as follows and as so amended do pass.

Signed: _____



Senator Tom Beck, Chair

That such amendments read:

1. Title, line 5.

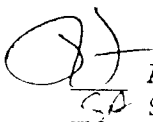
Strike: "FUND OR"

2. Page 1, line 18.

Following: "adopted"

Strike: "as the final budget for each fund or"

-END-



Amd. Coord.
Sec. of Senate


401537SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 17, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 309 (first reading copy -- white), respectfully report that SB 309 be amended as follows and as so amended do pass.

Signed: 

Senator Tom Beck, Chair

That such amendments read:

1. Page 1, line 12.

Insert: "WHEREAS, this legislation seeks to clarify the duties of County Commissioners and is not intended to make substantive changes with regard to the current status of county roads; WHEREAS, assumptions as to ownership or liabilities will remain unchanged and no action will be required by County Commissioners with regard to county roads in existence prior to the adoption of [this act];

WHEREAS, the enactment of this legislation will require counties to adopt a resolution when accepting newly petitioned roads under Title 7, chapter 14, part 26;

WHEREAS, current public roads that have never been legally adopted by the county may be accepted following public notice, a public hearing, and adoption of a resolution;

WHEREAS, decisions to discontinue or abandon county roads for safety reasons will require public notice and a public hearing prior to the adoption of a resolution to abandon county roads by a Board of County Commissioners."

2. Page 1, line 22.

Following: "the"

Insert: "construction,"

3. Page 1, line 24.

Following: "by"

Strike: "the"

Insert: "an improvement, a proposed public road, or a"

4. Page 3, line 10.

Insert: "(4) An order to abandon or discontinue a county road is not valid unless preceded by public notice and a public hearing."

5. Page 4, line 9.

Following: "road"

Insert: "the jurisdiction of which has been accepted by




Amd. Coord.

Sec. of Senate

411319SC.SPV

resolution of the board of county commissioners and"

6. Page 5, line 30.

Strike: "adopted"

Insert: "adapted"

7. Page 6, line 10.

Following: "repaired"

Insert: "or"

Following: "maintained"

Strike: ", or"

Insert: "by the department or by and with appropriated funds of
the state. The term includes a public highway"

8. Page 6, line 20.

Following: "department"

Insert: "or by and with appropriated funds of the state"

9. Page 6, line 23.

Following: "county"

Insert: "if jurisdiction has been accepted by resolution of the
board of county commissioners"

10. Page 6, line 30.

Strike: "(20)"

-END-



CITY COUNCIL

February 16, 1995

201 W. SPURLOCK MISSOULA, MT 59802 • (406) 721-4700

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 1

DATE

2-16-95

BILL NO.

SB 399

Dear Members of the Local Government Committee,

I am submitting this letter as testimony for your public hearing on SB399. As an member of Missoula's City Council, I am strongly opposed to this bill. Most communities in western Montana are experiencing tremendous growth. This is certainly the case in Missoula. The proposed legislation would make it extremely difficult if not impossible to respond to the impacts of growth and development. Ultimately this law, if enacted, would entirely undermine and eliminate most aspects of land use planning.

Representative democracy, which is the foundation of this country, empowers elected officials to make decisions on behalf of the larger community. Elected officials are responsible for taking the concerns raised by citizens into account when making decisions. They are also responsible for considering the US and Montana Constitutions and pertinent laws and ordinances into account when making decisions. Sometimes citizens are not knowledgeable about these legal issues and propose solutions that are illegal. Given the complexity of land use law, it is entirely understandable that the general population would lack critical information for decision making. Rather, citizens can and do provide a general information regarding how they would like development to proceed which is very useful in guiding the master plan. Land use professionals and elected officials are responsible for decision making. SB399 removes the authority of elected officials, delays the master planning process and submits a complex, lengthy and technical document to a largely uninformed electorate. I do not believe that this is in the best interest of developers, property owners or citizens. Additionally, it adds to the inefficiency of government.

The most troublesome aspect of this bill is the section that requires the use of eminent domain proceedings for the reduction of property interests as a result of the master plan. This clause is entirely opposite of case law pertaining to takings. If enacted the law would surely be challenged, causing tremendous public litigation expense on both sides. If enforced, this aspect would mean that governing bodies would not be able to make any zoning changes and would forever be in court regarding perceived takings.

Moving west when our neighbors bother us or when things get too crowded is no longer an option. We must live together in communities. The actions of one property owner impact other property owners and residents. Local governments must have land use planning tools that enable governance that respects both individual property rights and community good.

I urge you to vote against SB399 and preserve the power of local government to make land use planning decisions that are best for the community in the long range.

Sincerely,

Kelly Rosenleaf
City Council
Ward 2



City of Red Lodge

P.O. Box 9
Red Lodge, Montana 59068
(406) 446-1606

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 2

DATE 2-16-95

BILL NO. SB 399

FEBRUARY 16, 1995

ALEC HANSEN, DIRECTOR
MONTANA LEAGUE OF CITIES AND TOWNS
FAX 442-9231
HELENA, MT

RE SB 399

BILL SCHEDULED TO BE HEARD AT 12:30 THURSDAY (TODAY).

PLEASE REGISTER OUR OPPOSITION TO IT MOST STRONGLY WITH THE COMMITTEE.

THIS BILL TAKES AWAY A VERY VALUABLE TOOL IN MANAGING THE GROWTH OF OUR CITY AND DOES NOT REPRESENT GOOD LEGISLATION.

WE MUST HAVE THE ABILITY TO GOVERN OUR DESTINY AND WE NEED THE TOOLS TO DO IT WITH.

PLEASE ADVISE US OF YOUR SUCCESS.

THANK YOU.

BRIAN ROAT, MAYOR

cc Sen Burnett

} 'SLOWMOR

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 3

DATE 2-16-95

BILL NO. SB 399

Two and a half years ago, local residents of Red Lodge and the surrounding area came together to express a unified commitment to fair, citizen-based planning. This diverse cross-section of people - ranchers, and realtors, shop owners and service providers, old Montana families and new ones - felt that broad-based community planning could be an effective tool to protect property values, reduce inefficiencies in government, and maintain important local values such as clean air and water. In time this gathering grew into an unprecedented alliance between locals and government leaders; the resulting effort recieved the respect and support of people from around the state, including Governor Racicot.

Senate Bill 399 is a tremendous threat to two-and-a-half years of hard work and local financial commitment. Especially troublesome is the murky provision requiring taxpayers to compensate landowners for any perceived loss of property options. Please understand that we have a fierce commitment to property rights; indeed, you'd be hard pressed to find anyone here who wouldn't fight hard to maintain the strict protections afforded us by the U.S. Constitution. But to deny entire communities a say in their future safety and well-being so that a single developer might profit from vague speculation seems totally against our notions of democracy and self-determination.

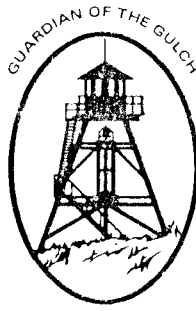
Rarely has the old saying "if it isn't broke, don't fix it," seemed more appropriate. We respectfully request you to vote against this misguided piece of special-interest legislation.

Gary Ferguson,

For the Beartooth Front Community Forum
P.O. Box 454
Red Lodge MT 59068

Distribution:

To: Ted Lange > FAX:14064438311



SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 4

DATE 2-16-95

BILL NO. SB 399

City of Helena

February 16, 1995

Senator Tom Beck, Chairman
Senate House Local Government Committee

Dear Committee Members:

This letter is written on behalf of the City of Helena to state opposition to SB 399.

This bill presumes a planning board has more authority than it really does, and makes it more cumbersome and expensive for county taxpayers by requiring an election to establish a county planning board. According to Montana law (76-1-106, MCA), the role of the planning board is to "assure the promotion of public health, safety, morals, convenience, order or the general welfare for the sake of efficiency and economy in the process of community development... and shall serve in an *advisory* capacity to the local governing bodies establishing the planning board."

Montana law also states, "The planning board shall prepare and propose a master plan for the jurisdictional area. The plan may propose ordinances or resolutions for possible adoption by the appropriate governing body" (76-1-601, MCA). SB 399 presumes a master plan (or comprehensive plan) will be always be adopted; that is not a requirement of the law (76-1-604, MCA).

The master plan is developed and presented for public review and comment, and then adopted through the public hearing process to become public policy. Public hearings are required before the planning board and the governing body prior to adopting the proposed master plan, thereby giving anyone an opportunity to speak on the proposal. For example, the City of Helena recently went through an extensive three-year process to update its 1983 comprehensive plan. Extensive public participation was invited and encouraged for the city's comprehensive planning process. Realtors, developers, property owners, and citizens worked together to identify a community vision for future growth and development.

Sometimes the master plan is revised as it goes through the public comment and review process, or through the public hearing process. Would an election be required for each revision? Requiring an election each time is an unnecessary expense to the city's and county's taxpayers. For reference, each election would cost the City of Helena a minimum of approximately \$12,000. Who will have the responsibility of informing the public of all the intricacies of the plan prior to the election?

Eliminating "any other factors which are a part of the physical, economic, or social situation within the city or county" from the factors the plan may include means the items listed in 76-1-601, MCA are the only factors that can be included. As a result, the opportunity to consider other aspects that may be important to the community is eliminated, including historic and prehistoric areas which may be important for tourism and economic development. In Helena, historic features in the community were identified as one of the most important considerations in a recent Helena Citizens' Council survey.

The master plan or comprehensive plan provides a basis for the city or county subdivision and zoning regulations. Zoning and subdivision regulations become tools to implement the plan, as well as the ability to review land use proposals (including subdivisions). Capital improvement plans (CIPs) and local government budgets also are mechanisms to implement plan. All of these implementation tools require public hearings and the opportunity for anyone to comment.

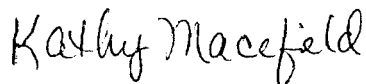
Requiring compensation if any of these mechanisms "reduces a person's interest in the value of property subject to the plan" will require appraisals for all actions. SB 399 essentially makes local government more difficult and bureaucratic for the citizens by reducing the ability respond reasonably and in a timely manner.

Looking at the compensation requirement from a different perspective, sometimes the implementation mechanisms increase the value of the property. Perhaps it would be appropriate to require the property owner to compensate the local government for the increased value!

SB 399 effectively limits a community's ability -- and therefore, its citizens' capability -- for self-determination on the local level, and inhibits their options to decide how a neighborhood, city, or county will grow in the future. SB 399 is not a good bill, and is a great disservice to Montana's citizens.

For these reasons, the City of Helena asks you to not pass SB 399.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Macefield".

Kathy Macefield
Planning Director

**The Governor's Task Force
to
Renew Montana Government**

EXHIBIT 5
DATE 2-16-95
SB 377

PREPARING *for a* NEW CENTURY

Final Recommendations ■ October 1994

Discussion ■

The ability to impose impact fees allows a local government to shift a portion of the costs of providing capital to serve new growth areas from the general tax base to the new development generating the demand for the facilities.

As of June, 1992, 20 states had enabling legislation for the imposition of impact fees and many more states are expected to do so. The statutes of these 20 states provide ample guidance for the enactment of such a statute in Montana. In addition, a substantial body of case law has been developed that provides guidance for drafting enabling legislation for impact fees that would assure the local government that any impact fee imposed would meet state and federal constitutional requirements.

Arguably, home rule governments in Montana can enact impact fees without enabling legislation, although under existing Supreme Court cases, it is not possible to conclude that such arguments would be upheld. It may also be argued that non-home rule charter municipalities can impose such fees absent statutory authorization, as has been argued and upheld in some other states; but again it is impossible to predict the viability of that argument under existing case law in Montana. In any event, the enactment of enabling legislation could preclude a challenge to the imposition of fees on grounds of lack of authority. Such legislation, which has met constitutional challenge in other states, could provide a framework for the imposition of such fees. An excellent overview of local impact fees is found in the Summer 1993 issue of *The Urban Lawyer* (Volume 25, Number 3).

BOARDS AND COMMISSIONS

The Task Force recommends a revision of laws governing city and county administrative boards and commissions.

Background ■

State statute specifies numerous appointed advisory or administrative boards for city and county government. County commissioners, for example, are responsible for appointing members to weed, mosquito control, fair, television and historical preservation boards or councils. Gallatin County has 44 separate advisory bodies with more than 200 public members.

While the rationale behind these advisory bodies may be logical, the cumulative effect is a cumbersome web of administrative inefficiencies.

Filling board vacancies is time consuming and costly. Statutes often specify the number of members, qualifications, terms of office and meeting and residency requirements of board members. Filling vacancies entails a recruitment process that takes considerable time and expense. Sometimes, county commissioners are unable to find citizens willing to serve. Staffing the boards and monitoring when terms expire is time consuming.

Because these boards are created by statute, a degree of inflexibility is built into the structure of local government. Local needs may not be well served by a "one size fits all" statute.

Sometimes board members unknowingly create liability for their governments through their actions or statements.

Objectives ■

1. Modify state statutory requirements for appointed advisory or administrative boards and councils, giving locally elected officials the flexibility to decide which are necessary and the

power to create them by ordinance or resolution.

2. Allow county commissioners to assume the powers of special service district boards instead of creating such boards but, at the same time, grandfather existing service district boards to avoid issues of dissolving current boards.
3. Reduce the administrative complexity and logistical difficulties of filling board vacancies.
4. Empower locally elected officials to create and utilize advisory bodies as locally determined needs dictate.
5. Evaluate boards and commissions individually with input from county and city officials. Some boards, such as city/county planning and health boards have extensive, independent statutory functions and may not be appropriate for the same changes as service district, administrative and advisory boards.

GENERAL STATUTORY CLEAN-UP

The Task Force recommends rewriting and condensing Title 7 (the statutes governing local government) to reduce its sheer volume, eliminate duplication and to standardize and simplify notice procedures. We believe the Local Government Center at Montana State University should undertake this general statutory clean-up.

Background ■

Any 1,100-page document developed over a 100-year period is bound to have duplicative, conflicting and outdated material. Such is the case with Title 7. Title 7 should be an efficient tool for local government officials' use in administering local government. Instead, it is cumbersome and confusing and ready for an overhaul.

Title 7 is so voluminous that its usability is cumbersome at best. Interpretation of laws is often difficult because of conflicting statutes leading to numerous requests for legal opinions.

Procedures, which could be spelled out once for both cities and counties, e.g., dog control, are instead delineated for each. Specific subject areas are delineated in overlapping statutes or in entirely different areas of statute, which results in inconsistencies and outright contradictions. Public notice procedures are needlessly complex, detailed and not uniform, with the result that procedural errors are almost guaranteed to occur.

Detailed state control has been extended through statute into areas best left to local decision makers. One result is that needed change is slowed due to necessary legislative involvement. Another result is the incredible amount of time spent changing relatively insignificant statutes; hence the charge that the state is "micro-managing" local government.

STATE MANDATES

Local governments should recognize their responsibility to demand from the legislature a means of funding state mandates, in accordance with the state laws mentioned above. The Drake Amendment language is clear. If necessary, local governments should enforce it through the courts.



Montana
Building
Industry
Association

Christopher J. Racicot
Executive Director
Suite 401 Power Block
Helena, Montana 59601
(406) 442-4479
(406) 442-4483 Fax

1994-1995 Officers
President
Stan Helgeson, Billings
First Vice President
Bob Ross, Jr., Kalispell
Second Vice President
Sam Gates, Missoula
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Mark Meek, Helena
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Tim Dean, Bozeman
Associate Director
Frank Armknecht, Bozeman
Build PAC Director
Jim Coras, Missoula

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 6

DATE 2-16-95

BILL NO. SB 323

February 16, 1995

Senate Labor Committee
Montana State Legislature
Helena, Montana

Re: Senate Bill 323

Dear Senator Tom Beck and Committee Members:

Prudent land use planning or zoning should be conducted through widespread consensus of both the effected public and the appointed planning staffs. This type of consensus can only be achieved through an unemotional assessment of the facts and a sincere commitment to include each opinion. Senate Bill 323 will go a long way to ensure that the public is not improperly circumvented (through the use of the emergency zoning provision) in the planning or zoning processes.

True zoning and land use planning should not be conducted by the private agenda of a few self-serving bureaucrats manipulating the law for their benefit, rather it must come from the people as all worthwhile government change should.

Please give your favorable consideration to Senate Bill 323. Thank you for your consideration of this matter.

Sincerely,

Chris Racicot
Executive Director, MBIA



SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 7

DATE 2-16-95

BILL NO. SB 323

City of Helena

February 16, 1995

Senator Tom Beck, Chairman
Senate Local Government Committee

Dear Committee Members:

The City of Helena supports SB 323, "An Act requiring local governments to hold a public meeting before adopting interim zoning regulations; increasing the public notice requirements for creating interim zoning districts; providing a definition of emergency for purposes of interim zoning; amending sections 76-2-206 and 76-2-306, MCA; and providing an immediate effective date and a retroactive applicability date" with amendments.

The City of Helena has used interim zoning three different times when situations arose that needed to be quickly addressed. Using each of these different zoning situations, I would like to discuss why some amendments are needed for SB 323.

Prior to 1993 revisions to the Montana Subdivision and Platting Act, unreviewed development was rapidly occurring in the south hills area adjacent to the City of Helena. Downhill neighbors in the city limits were being negatively affected by traffic, stormwater drainage, erosion, and increased fire danger. Responding to the city residents' requests, the City quickly adopted interim zoning to address those development concerns for the south hills portion located in Lewis and Clark County. The interim zoning was eventually adopted as the City of Helena's Open Space-Residential (OSR) District.

The City's commercial zoning districts allow bars to be located by right and without additional public review. In 1990 the Stardust Casino introduced nude dancing as one of their bar activities. Again responding to Helena's citizens, the city quickly adopted an interim zoning ordinance that became permanent to require such activities to be considered through the conditional use permit (CUP) process.

In 1992 a 160+-foot high communications tower was installed by the Helena Civic Center. A request was then received to install a communications tower, that was almost 300 feet high, by Legion Field. Quickly responding to concerns about the unrestricted heights that were being requested for these towers, the City adopted interim zoning to require that towers exceeding 75 feet in height would require a conditional use permit. This interim zoning ordinance then became a permanent ordinance amending the City's Zoning Ordinance.

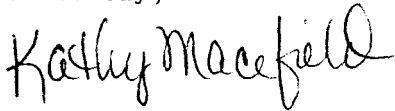
Page 2
SB 323

Each time interim zoning was adopted by the City of Helena, a public hearing was held that was legally advertised 7 days in advance of the hearing. Time is of the essence when interim zoning is needed so the unwanted use does not become established and does not become "grandfathered" and continue as a nonconforming use. Therefore, it might be more appropriate to make the legal advertising requirements the same for both a county and a city of 7 days. Keeping the same legal advertising requirements for both jurisdictions can minimize conflicts.

The City of Helena has concerns related ^{to pg. 4, 3} parts ⁴ 2 and 3 of SB 323 as it relates to the emergency. It might have been difficult to show how, in each case, the majority of persons residing in or owning land in the area impacted would be adversely affected; that the damage would be permanent or irreparable; and that the emergency zoning was not for aesthetic reasons. Therefore, the City of Helena asks that SB 323 be amended to remove these requirements before interim zoning can be considered.

The City of Helena urges SB 323 be amended to address these concerns.

Sincerely,



Kathy Macefield
Planning Director

DATE February 16, 1995

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 399 SB 299

SB 323 SB 377

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Al Kingston	Self	SB 329	X	
Joe Crisp	SELF	299 SB 323 SB 299	✓	
Cheryl J. Beatty	Arkoma-Deer Lodge City	399		X
Blake J. Wardal	Lewis & Clark Co	SB 299 SB 323	✓ ✓	
		SB 377 SB 399	✓	
Don Name	Self	SB 323 SB 309	✓	✓
Byron Stahlke	Helena Property owners Assoc	SB 323	✓	
Fred L. Gault	" " " "	SB 323	✓	
Scott McHugh	" " " "	SB 323	✓	
Vivian Drake	Lewis + Clark City	SB 299	✓	
Mark Johnson	self - landowner	SB 323	✓	
C.D. Redman	" "	"	✓	
Bill Schott	" "	"	✓	
Dale TALIAFERRO	MOTHS	SB 296	✓	

JOHN Shontz

MT ASSOC REALTORS
VISITOR REGISTER

299/
323
✓

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Mike Griffith	L.S.C. County Comm	323	✓	
Jim Richard	MT Ass'n Planners	399 323		X Y
Todd Dameron	DHES	296		
Paul Johnson	Montanans for a Healthy Future	399		X
Chris Percot	MT Building Industry Assoc	323	X	
Gina Paladichuk	Richland Develop	377	X	
Dave Ashley	Day Admin	377	X	
Leonard Wortman	Neff. Co	399		X
Larry Brown	Ag Pres. Assoc	SB 299 SB 323	X	
Mike Murphy	Int. Water Res. Assoc	SB 299 SB 323	X	
Chris Inhoff	League of Women Voters of Montana	399		X
ANDY SKINNER	SELF	299 323		X
Larry Gallagher	City of Kalispell	399		X
Dave Cogley	Holena SELF	323	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Melissa Cox	MATB	399		✓
Jim Nugent	Missoula City Attorney	399		X
Kathy Macfield	City of Helena	399		X
Kathy Macfield	City of Helena	323 with amendments	X	
M. Tr. Schwaab	MDHES - Exec. Action	296		
Gordon Morris	MA Co.	399		X
J.V. Bennett	Mont PERG	399		X
"	"	323		X
Ted Lange	NPRC	399		X
"	"	323		X
Janet Ellis	MT Audubon	399 323		X X
Anne Hedges	MEIC	399 323		X X
Gordon Morris	MA Co.	377	X	
Gordon Morris	MA Co.	299 323		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Steve Mandeville	MT Assoc Realtors	299 323	X X	
LOREN DAVIS	HELENA PROPERTY OWNERS	323	+	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY