1	SENATE BILL NO. 398
2	INTRODUCED BY GEBHARDT
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A COUNTY COMMISSION TO EVALUATE SAND AND
5	GRAVEL NEEDS WITHIN THE COUNTY AND IDENTIFY SAND AND GRAVEL RESOURCES WITHIN AN
6	AREA TO BE ZONED; AND AMENDING SECTION 76-2-209, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	**Section 1.** Section 76-2-209, MCA, is amended to read:
11	**"76-2-209. Effect on natural resources.** (1) Except as provided in 82-4-431, 82-4-432, and subsection
12	(2) of this section, a resolution or rule adopted pursuant to the provisions of this part, except 76-2-206, may not
13	prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner
14	of any mineral, forest, or agricultural resource.
15	(2)(2) (a) Pursuant to the requirements of subsection (2)(b):
16	(i) The the complete use, development, or recovery of a mineral by an operation that mines sand and
17	gravel or an operation that mixes concrete or batches asphalt may be reasonably conditioned or prohibited on
18	a site that is located within a geographic area zoned as residential, as defined by the board of county
19	commissioners.; and
20	(3)(ii) Zoning zoning regulations adopted under this chapter may reasonably condition, but not prohibit,
21	the complete use, development, or recovery of a mineral by an operation that mines sand and gravel and may
22	condition an operation that mixes concrete or batches asphalt in all zones other than residential.
23	(b) Before adopting regulations under subsection (2)(a)(ı), the board of county commissioners shall
24	prepare a report that:
25	(i) identifies the projected 20-year need, FOR A PERIOD NOT TO EXCEED 20 YEARS, for sand, gravel,
26	concrete, and asphalt resources within the county PROPOSED AREA TO BE ZONED; and
27	(ii) identifies the location of known, recoverable sand and gravel resources within the proposed area to
28	be zoned."
29	- END -