

BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Monday, February 11, 2013
Place: Capitol

Time: 3:00 PM
Room: 317-A

BILLS and RESOLUTIONS HEARD:

SB 234 - Provisional permits for gravel pits - Sen. Jim Peterson

EXECUTIVE ACTION TAKEN:

Comments:



SEN. Chas Vincent, Chair

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: 2-11-13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR CHAS VINCENT, CHAIR	✓	
SENATOR JOHN BRENDEN, VICE CHAIR		EXCUSED
SENATOR DEBBY BARRETT	✓	
SENATOR JENNIFER FIELDER	✓	
SENATOR BRAD HAMLETT	✓	
SENATOR VERDELL JACKSON		EXCUSED
SENATOR CHRISTINE KAUFMANN		EXCUSED
SENATOR JIM KEANE		EXCUSED
SENATOR CLIFF LARSEN	✓	
SENATOR MIKE PHILLIPS	✓	
SENATOR RICK RIPLEY	✓	
SENATOR MATTHEW ROSENDALE	✓	
SENATOR MITCH TROPILA		EXCUSED
SENATOR ED WALKER		EXCUSED

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February 7, 2013

To: Senator Hamlett SD 10
Re: Senate Bill 229

From: C. Gordon Morris, Ph.D.

I supported SB 229 specifically for the Montana Association of County Road Supervisors, (County Public Works Directors) and in support of the Montana Association of Counties.

The primary reason for supporting the bill was seen as affording counties the opportunity to access the 50,000 cubic yards of gravel absent of the need for a Department permit. I would point out that in the 2011 session we, the Road Supervisors, and MACo supported legislation that authorized 2.5 cents per cubic yard for each permitted operation. This was agreed to and done from a county perspective to enable the Department to hire additional staff and expedite the review and permitting process.

I can tell you that there is county frustration with the inability to get permits in a timely fashion and it has/was suggested that this was a deliberate strategy of the administration. At the MACo annual meeting in September, I heard the stories, from County Public Works Directors, as to how the permits were not being expedited and counties found it virtually impossible to get a permit approved.

This can be borne out by understanding that a resolution was passed by the Association that would seek legislation to restore the exemption from the fees imposed in M.C.A. 82-4-437. The resolution clearly stated that this was due to the fact that "counties continue to experience long delays in obtaining DEQ approval of open cut applications."

SB 229, was viewed as an opportunity to provide counties with an alternative resolution of the perceived difficulty described above. Perhaps an amendment limiting the 50,000 cubic yard increase to counties would be an attractive alternative from the perspective of the opponents. I would close by pointing out that regardless of the yardage "sand and gravel opencut operations must meet applicable local zoning regulations adopted under Title 76, chapter 2." I hope this clarifies the need for such legislation and explains my appearing as a proponent.

cc: Senator Kaufmann, SD 41
Natural Resource Committee Members