Senate Local Govt. Comm.
Exhibit No. 12
Date 2-20-07
Bill No. SB 427

Amendments to Senate Bill No. 427
1st Reading Copy

Requested by Senator Bob Hawks

For the Senate Local Government Committee

Prepared by Leanne Heisel
February 19, 2007 (1:41pm)

1. Title, line 6.
Strike: "PROHIBITING" through "FIXTURES;"

2. Page 1, line 10 through line 11.
Following: "exemptions"
Strike: "-- mercury vapor lighting prohibited"

3. Page 1, line 21 through page 2, line 13.
Strike: subsections (2) through (6) in their entirety
Insert: "(2) Except as provided in subsection (3) and subject to subsection (4), all outdoor light fixtures within the limits of an incorporated municipality must be fully shielded or partially shielded.

(3) The provisions of subsection (2) do not apply to:

(a) incandescent fixtures of 150 watts or less and other light sources of 70 watts or less;

(b) streetlight fixtures if the shielding is not available from the manufacturer;

(c) emergency lighting that is used by law enforcement, firefighters, medical personnel, and other personnel responding to an emergency and that is in operation as long as the emergency exists;

(d) outdoor lighting used for programs, projects, or improvements in a municipality relating to the construction, reconstruction, improvement, or maintenance of a street or highway;

(e) outdoor lighting used for construction or renovation of municipal buildings, structures, and facilities;

(f) outdoor lighting provided by a public utility regulated under Title 69, chapter 3;

(g) navigational and obstruction lighting systems used by airports and aircraft;

(h) outdoor lighting that is extinguished between midnight and sunrise by an automatic shutoff device;

(i) outdoor lighting used by industrial and electrical generation facilities;

(j) outdoor lighting used by railroads in railroad yards;

(k) outdoor lighting used by agricultural operations;

(l) lighting systems that imitate historic lighting and that are intended to enhance the historic character of an area; and

(m) within a municipality that, by ordinance, has adopted restrictions on lighting that are equal to or more stringent than the provisions of this section.

(4) A municipality shall comply with the provisions of this section upon replacement of outdoor light fixtures maintained by the municipality."

- END -

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Established in 1912
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February 19, 2007

Committee Chairman & Committee Members
Senate Local Government Committee
State of Montana
Helena, MT

Dear Chairman Gillian:

In a few days you will be considering SB398, "*An Act Requiring a County Commission to evaluate sand and gravel needs within the County and Identify sand and gravel resources within an Area to be zoned*".

Our Company owns 36,500 acres of forestland in Northwest Montana. We currently have 2 gravel pits and one rock quarry on our land. It is good to plan ahead and we do support an inventory before zoning is carried out.

The real concern for our Company is that because of the distance from town and the unknown future markets, what opportunities for the future will be lost through zoning and this inventory. An example would be the current market for building stone. Ten (10) years ago we did not know there would be a market for stone.

In many counties, zoning is accomplished through Neighborhood Plans. Currently we have 8000+ acres for forestland that has been declared "*residential*" and thereby gravel pits and rock quarries can be prohibited.

SB398 must make provisions for the future. Zoning must provide for ways to handle new products or uses. Handling these new uses via "*Conditional Use*" permits may be one way.

Your help is appreciated. If you have questions, please call.

Sincerely yours,

Ronald Buentemeier

Ronald Buentemeier
Vice-President/General Manager

CC: To All Committee Members
Ellen Engstedt-MWPA, Keith Olson-MLA
Don Allen- WETA, Cary Hegreberg -MCA