

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By VICE CHAIRMAN JACK HERRON, on March 21, 1995,  
at 3:00 PM.

**ROLL CALL**

**Members Present:**

Rep. William E. Boharski, Chairman (R)  
Rep. Jack R. Herron, Vice Chairman (Majority) (R)  
Rep. David Ewer, Vice Chairman (Minority) (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Ellen Bergman (R)  
Rep. Matt Brainard (R)  
Rep. Matt Denny (R)  
Rep. Rose Forbes (R)  
Rep. Antoinette R. Hagener (D)  
Rep. Bob Keenan (R)  
Rep. Linda McCulloch (D)  
Rep. Jeanette S. McKee (R)  
Rep. Norm Mills (R)  
Rep. Debbie Shea (D)  
Rep. Joe Tropila (D)  
Rep. Diana E. Wyatt (D)

**Members Excused:** Rep. John C. Bohlinger

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Council  
Evelyn Burris, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 41; SB 309; SB 377; SB 604  
Executive Action: None

*{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}*

HEARING ON HB 604Opening Statement by Sponsor:

REP. WILLIAM BOHARSKI, HD 79, Kalispell, presented HB 604 which is a general revision of local government law regarding boards, notices, and annexation, and would allow the city council and the county commissioners to make decisions. REP. BOHARSKI said this bill will remove boards and put control back with the local officials. When a board does something that voters and commissioners disagree with, they should have the authority to change as they see fit.

REP. BOHARSKI explained the bill and cited some examples where he has gone to the county commissioners with concerns and the response he received was there was nothing they could do about it. The problem is they do not have the authority to remove a person from the board because they serve a three year term. It seems appropriate to eliminate the boards in statute.

REP. BOHARSKI referred to the bill and said all boards are included, not just certain ones. He said dealing with the question of impact fees has also been addressed in HB 604 and other diverse complaints he has received have also been put in this bill.

Closing by Sponsor:

REP. BOHARSKI closed saying a portion of SEN. JEFF WELDON'S bill is similarly incorporated into HB 604. Questions regarding HB 604 will be done in Executive Session.

VICE CHAIRMAN HERRON announced that HB 604 and SB 377 are being combined. Proponents and Opponents will speak on both of them.

HEARING ON SB 377Opening Statement by Sponsor:

SEN. JEFF WELDON, SD 35, Missoula, said he was not familiar with HB 604. He introduced SB 377 which would allow local government to set certain boards' duties and membership by resolution. This bill is brought on behalf of the Governor's Task Force to Renew State Government. This bill places at the local level, rather than at the state level, the authority and responsibility for structuring certain boards and commissions and those that are listed in Section 2, page 3 of the bill.

SEN. WELDON explained the structure of the bill.

**Proponents' Testimony:**

**Gordon Morris, Director, Montana Association of Counties (MACO),** expressed his appreciation to **REP. BOHARSKI** and **SEN. WELDON** for bringing the two bills to be considered. **Mr. Morris** said it is his intent to help differentiate between the two bills. He then explained in detail what each bill takes into account. **Mr. Morris** urged the committee to take Sections 4 and 5 out of the bill for purposes of county government and for municipality. **Mr. Morris** went on record in opposition to the change in 7-1-2103 and 7-1-4123.

**Mr. Morris** said the distinction between SB 377 and HB 604 in the treatment of boards is that three additional boards are added to HB 604: library, health and planning; otherwise, they are the same. **Mr. Morris** said he would technically recommend either or both bills and in particular with HB 604 he would recommend technically with consideration for what he called "attention relative to the fee issue set forth in Sections 4 and 5."

*{Tape: 1; Side: A; Approx. Counter: 24.3}*

**Laurie Ekanger, Governor's Office,** said SB 377 is a recommendation of the Governor's task force and is endorsed by the governor. **Ms. Ekanger** agreed with previous testimony and asked for the committee's favorable support.

**Blake Wordal, Lewis & Clark County Commissioner,** stated his support of SB 377 and said it offers options to deal with boards when they cannot find people who are interested in serving on them. **Mr. Wordal** said he is not as familiar with HB 604 but endorsed the areas of HB 604 that are contained in SB 377.

**Bob Carlson, Silver Bow County Weed Supervisor,** spoke in support of SB 377 with one exception on the issue of Yellowstone County and the Weed Control Board. He referred to page 9, line 22 and explained his concerns and asked that an amendment be added.

**REP. PEGGY ARNOTT, HD 20, Billings,** appeared on behalf of the **State Weed Supervisors, Yellowstone County Weed Control,** and stood as a proponent to the amendment offered and explained her rationale.

*{Tape: 1; Side: A; Approx. Counter: 31.9}*

**Howard Gipe, Flathead County Commissioner,** said he worked with **REP. BOHARSKI** on HB 604 and supports it as well as SB 377. **Mr. Gipe** also agreed with the weed control amendment.

**Gloria Paladichuck, member of the Governor's Task Force to Renew Montana Government,** spoke in support of SB 377 and urged a do pass recommendation. **Ms. Paladichuck** said she was not familiar with HB 604.

**Chris Hindoien, Supervisor of the Teton County Weed District, Choteau,** spoke in support of adding on page 9, line 22, language saying, "a majority of the board members must be of rural agricultural land owners." **Mr. Hindoien** said they have people lining up to be on their board on his county.

**Chris Imhoff, Montana League of Women Voters,** spoke in favor of HB 604 and referred to and read Section 1, line 14, and said if a person is a resident of the county and a voter they should be able to be appointed to other commissions and boards.

**Bill Rapold, Chairman, Board of Pondera County Commissioners,** spoke in support of both bills and the amendments offered by the weed control supervisors.

**Opponents' Testimony:**

**Jim Freeman, Weed Supervisor, Cascade County Weed and Mosquito Abatement District; President, Montana Mosquito Control Association** and speaking on behalf of the **Triangle Area Weed Supervisors,** said the general reasoning behind this bill makes a lot of sense, and for the most part they agree with the changes being proposed. **Mr. Freeman** submitted his written testimony on the issues that need to be addressed and said without these changes they must remain in opposition to SB 377. **EXHIBIT 1**

*{Tape: 1; Side: A; Approx. Counter: 41.1;}*

**Alec Hanson** said he was not totally an opponent and would limit his comments to HB 604. He stated his concerns with the intent to impact referring to page 6, lines 5, 6 and 7. He said he was encouraged by the sponsor's indication that he wants to work closely with the committee and come up with a solution that will work for everybody. **Mr. Hanson** stated that the general portion of the bill that allows to regulate, establish and operate boards and commissions in accordance with local ordinances and resolutions is very positive.

**Ed Kirby, Montana Manager, United Right of Way; past weed supervisor for Meagher and Yellowstone Counties,** and also a rancher, **Cascade County,** stated his reasons for opposing changes in the bill that deals with the weed and mosquito districts and believes they should remain the same.

**Ann Rauser, Weed Supervisor, Broad Water County,** concurred with testimony stated by **Mr. Freeman** objecting to HB 604 and SB 377.

**Informational Testimony:** None

**Questions From Committee Members and Responses:**

**REP. SHIELL ANDERSON** asked **SEN. WELDON** if he had reviewed the amendments presented by **Mr. Freeman.** **SEN. WELDON** responded no,

and said the people involved in drafting this bill would like to be involved in any work the committee does to make the two bills match.

**REP. DAVID EWER** referred to HB 377, page 9, line 25 and asked the rationale on why the words "the board members or public officers" are being stricken.

**Mr. Morris** explained that language is still included in Section 1 of the bill stating "for all board appointees."

*{Tape: 1; Side: A; Approx. Counter: 50.4; Comments: .}*

**REP. LINDA MCCULLOCH** questioned **Mr. Morris** on his references made to **REP. BOHARSKI's** bill dealing with the library issues. **Mr. Morris** referred to page 42, and 43 and explained that section of the bill and said they are putting this under the same board considerations as **SEN. WELDON'S** bill. He said his point about the library board was an antidote from his experience with the censorship issues. **Mr. Morris** expressed his surprise that the State Library or the Library Association was not represented at this meeting.

**REP. TONI HAGENER** asked what the suggestion or alternative would be to the "resident freeholder" words. **Mr. Morris** said he has discussed this issue with **Ms. Imhoff** and has compared the bills referring to the same language "must be a resident freeholder" on page 3 in both bills. **Mr. Morris** said he is in support of this.

**REP. HAGENER** asked if they must be a resident of the county or district. **Mr. Morris** responded yes.

Closing by Sponsor:

The sponsor made his comments on the differences between HB 604 and SB 377 and closed.

**VICE CHAIRMAN HERRON** suggested that **Mr. Morris** and **Mr. Hanson** work together on the bill so it will be agreeable to everyone.

HEARING ON SB 41

Opening Statement by Sponsor:

**SEN. WELDON, SD 35, MISSOULA,** presented SB 41 which is an act to provide a method of assessment to study costs for county water or sewer districts. This bill was brought specifically on behalf of the East Missoula Sewer District which is a new district. They are beginning plans to construct a sewage treatment system for the area. The sewer district wants to fund a feasibility and engineering study to determine how best to proceed with their plans and they would like to fund the study through a tax on each septic hook up. **SEN. WELDON** explained what current law states

and further explained the fees for the lots situation in Missoula.

**SEN. WELDON** distributed copies of letters from the Missoula Sewer District and the Missoula Deputy County Attorney who also have been working on this issue. **EXHIBITS 2 and 3**

Proponents' Testimony:

**Anna Miller, Department of Natural Resources**, testified in favor of SB 41 and agreed this is a good solution.

**REP. BOB REAM, HD 69, East Missoula**, spoke in favor of SB 41.

{Tape: 1; Side: B.}

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

**REP. NORM MILLS** referred to page 2, line 5, and asked **SEN. WELDON** when a charge is imposed on all properties would it be every vacant lot that has a house on it and would it be the same charge whether the property has either a house or an apartment house on it.

**SEN. WELDON** explained that the taxes are imposed on the properties by the methods authorized for rural special improvement districts and the county commissioners may assess for improvements made by each lot, tract or parcel based upon the area, value, lineal feet, divided equally and then by connection which is what the East Missoula Sewer District wants to do in this particular area.

For further clarification, **SEN. WELDON** referred this question to **REP. DAVID EWER**.

**REP. EWER** explained that under the law there are various ways of assessing properties and depending on how the people on the board want to have the method. **REP. EWER** said there are different ways and combinations of ways that may be used.

**REP. MILLS** questioned if there was a vacant lot that was not developed would it still be assessed the same. **REP. EWER** said that could very well be the case.

**REP. EWER** questioned further on assessment of charges. **SEN. WELDON** responded referring to the language in the bill and explained that the assessment would be made on existing hookups.

**REP. MILLS** said this language needs to be made very clear in the bill. **REP. WELDON** agreed.

**REP. TONI HAGENER** referred to page 1, lines 16, 17 & 18 and asked for further clarification. **SEN. WELDON** supplied the committee with a breakdown of this section of the bill.

**REP. MATT DENNY** questioned if part of the feasibility study could be to determine who would be benefited. **SEN. WELDON** responded that could also be part of the feasibility study.

**REP. JOE TROPILA** asked for further follow up on the feasibility study from **Ms. Miller, ANRC**. **Ms. Miller** explained that people doing this have various histories e.g., East Missoula is an old community and there are people on septic tanks that are failing and they want to do a study to determine the best way to handle this situation. On new areas that may have fifty lots and possibly only thirty are developed would give seven options on which to go through the assessment. **Ms. Miller** said people have a right to protest and have input as to the method of assessment.

**Closing by Sponsor:**

The sponsor closed saying the East Missoula sewer district has worked on a volunteer basis and in their judgement the method of assessment chosen by the sewer district is the best for that particular sewer district. **SEN. REAM** will carry this bill if it is passed.

**HEARING ON SB 309**

**Opening Statement by Sponsor:**

**SEN. GARY FORRESTER, SD 8, Billings**, brought SB 309 which dealt with revising laws relating to county roads. **SEN. FORRESTER** said that by far, the biggest complaints he has received from constituents while being in the legislature is the problems with the county roads.

*{Tape: 1; Side: B; Approx. Counter: 15.0;}*

**Proponents' Testimony:**

**Paul Stahl, Deputy County Attorney, Lewis and Clark County**, said a committee was formed with MACO and his commissioners made him part of the committee. A resolution was passed by MACO to clarify some of the concerns about public roads. **Mr. Stahl** referred to SB 309 and explained the language that clarifies the intent of the bill.

**Mr. Stahl** said county commissioners do not have authority to close a non-county road but they would be liable if someone is hurt or killed while driving on that county road therefore, this bill would solve some of the liability issues. SB 309 does not change the existing law on eminent domain and does not affect public or private rights of ownership. This bill does not change

the status of existing county roads or public easements. **Mr. Stahl** urged the committee to support SB 309.

**Gordon Morris, Director, Association of Counties, MACO**, spoke in favor of SB 309 and said this bill has been subject to intense scrutiny by MACO.

**Vern Peterson, Commissioner, Fergus County and Chairman, MACO Transportation Committee and Vice President of MACO**, reiterated the support of SB 309.

**Horace Brown, Missoula County Surveyor**, said Missoula County also supports SB 309.

**Roy Andes, Cascade County Commissioner**, stated support of SB 309 saying it will clarify and allow the commissioners to do some house keeping and make ways available to do more road improvements with RID's.

**Howard Gipe, Flathead County Commissioner**, reiterated prior testimony in support of SB 309.

**Don Valiton, Chairman, Powell County Board of Commissioners**, testified in support of SB 309.

**Sam Gianfrancisco, Road Supervisor, Gallatin County**, representing the **Montana Association of Road Supervisors**, stated their strong support of SB 309.

**Bill Rappold, Chairman Pondera County Board of Commissioners**, spoke in support of SB 309 and said this bill is a result of a lot of cooperation from many people and urged the committees' support.

**Gloria Paladichuck, Richland County**, stated their county commissioners urge the committees' support of SB 309.

**Blake Wordell, Lewis and Clark County Commissioners**, stated their support of SB 309.

**Bill Kennedy, Commissioner, Yellowstone County**, said they endorse SB 309 and urged the committees' support.

**Chris Imhoff, Montana League of Women Voters**, said they strongly support SB 309.

**Jim Logan, Yellowstone County Surveyor**, spoke in favor of SB 309 and reiterated previous testimony. **Mr. Logan** read and submitted a letter from **Ward Swanser, Law office of Moulton, Bellingham, Longo & Mather, Billings**, with comments on how SB 309 might have altered existing state law with regard to specific sections.

**EXHIBIT 4**

{Tape: 1; Side: B; Approx. Counter: 44.8; Comments: .}

**Opponents' Testimony:**

**John Bloomquist, Attorney from Dillon and Helena** representing the **Montana Stockgrowers Association**, said he has met with MACO and **SEN. FORRESTER** in trying to resolve some of the concerns they have with SB 309. **Mr. Bloomquist** discussed some of the concerns and reiterated the concerns pointed out in Exhibit 4. **Mr. Bloomquist** referred to sections in the bill explaining his concerns with the definition of public roads and said SB 309 does affect property rights and the authority of county commissioners with regard to county roads.

**Wade Stofer, Montana Association of Realtors, Helena**, reiterated concerns presented and spoke in opposition to SB 309. **Mr. Stofer** said there's no definition or parameters as to what roads would be closed at the whim of county commissioners. He urged the committee to not support SB 309.

**Dave Wood, Resident, Lewis & Clark County**, submitted written testimony on facts against SB 309 and explained them to the committee. **EXHIBIT 5 and 6**

**Donald W. Nance**, representing himself submitted his written testimony to the committee and spoke in opposition and urged the committee to Table SB 309. **EXHIBIT 7**

{Tape: 2; Side: A; Approx. Counter: 22.1}

**Larry Brown, Agricultural Preservation Association**, said they also oppose SB 309 for the reasons stated. He questioned how fast an RID could be created once this bill is passed.

**Marta Frank**, representing **Montana Farm Bureau**, said she supported SB 309 in the senate but now she believes there are problems with the bill and urged the committee to address the concerns presented.

**Informational Testimony:** None

**Questions From Committee Members and Responses:**

**REP. SHIELL ANDERSON** questioned if counties get reimbursed from the state based on the number of miles on a road. **Mr. Morris** said they do get gas tax allocations based upon the audit of county road miles and they have to be county and hence, public in that content.

**REP. ANDERSON** wondered if SB 309 passed and the commissioners are able to determine certain roads to be county roads by resolution, if they would be eligible for more state money. **Mr. Morris** explained that they are not changing the way county roads are created. They are still being created under the same section of law that is currently on the books in Title 7-14-2615.

**Mr. Morris** said there are miles of road that are in a "grey area" in terms of whether they are public from the standpoint of being county or whether they fall into some "never never land" which most of them are in. Those roads will not be used in terms of increasing the overall road mileage for gas tax purposes. The point of the fact is the county commissioners are not taking roads associated with maintenance of them.

**REP. ANDERSON** asked if once the county determines that the roads in the "grey area" by resolution are county roads, are they then liable and will have to maintain the roads. **Mr. Morris** agreed that is the fact in this case but it is not the case simply by a commission resolution can those roads be changed from an assumed private or any other category become public. **Mr. Morris** said there are years ahead before a clear definition in terms of where the counties' responsibility begins and somebody else's responsibility starts or ends. **Mr. Morris** said there are "grey areas" that are going to end up in court and this bill does not add a mile.

*{Tape: 2; Side: A; Approx. Counter: 27.5;}*

**REP. ANDERSON** noted that \$20 million dollars has been put into the counties from the state because of the diesel tax and the county commissioners are going to be able to get access for that funding because they will have more roads in their system.

**Mr. Morris** responded "that is not the case, this bill gives commissioners no new authority in terms of either creating or accepting roads for county purposes, none." They are still limited to the creation statutes sighted earlier. This does move existing law under the road improvement districts sections which are being repealed in the bill and puts them into the RSID sections and that is with the permission of 60% of the land owners petition for the creation of an RID which is in existing law. **Mr. Morris** assured the committee that they are not looking to take on any additional responsibility for roads and this is not what this bill does.

**REP. ANDERSON** questioned the maintenance being included under the RID. **Mr. Morris** referred to and cited Section 10, page 7 and Sections 2901, 2902, 2903, 2907 and 2908 explaining them.

**REP. DIANA WYATT** said as a follow up to **REP. ANDERSON'S** questions, there is no purpose for the bill if there is not a broadening of the way the county commissioners can use RID's. **Mr. Morris** referred to Section 1 and explained it does allow RID's to be established on roads that are not currently county road. **Mr. Morris** explained the road improvement law.

**Mr. Morris** said he would like to state for the record "he lives in Treasure State Acres, Helena and pays property taxes and this is an RID district created by Lewis and Clark County". **Mr. Morris** explained the same RID authority which is being repealed

and put into the RSID law in Section 1 of the bill would be further extended not just to county roads but other private roads in sub-divisions where the county does not want to do it but they will work with the land owners to create and RSID whereby they will pay the maintenance and the upkeep costs associated with the county providing the service.

{Tape: 2; Side: A; Approx. Counter: 33.7;}

**REP. WYATT** asked for further clarification from **Mr. Morris** whereby he explained subdivisions having regularly scheduled maintenance programs, the assessment process and the difference between SID's and RSID's.

**REP. WYATT** questioned if a parcel of land not directly benefited within the district solely because the road passes over the property provides access to the land directly and also why a parcel of land within the district that is used solely for agricultural purposes is not considered land directly benefited within the district. **Mr. Stahl** responded that language comes from existing language that the legislature put into law because ranchers did not have access to their hay fields along long stretches of road. The only place they had access was at the farm house and they did not have access for the land in between. **Mr. Stahl** reiterated once again that existing law has not been changed.

**REP. HAGENER** questioned all the references to the statutes in the letter addressed to **Jim Logan** and asked **Mr. Stahl** to comment. **Mr. Stahl** responded there is very little new language in this bill and the concerns raised are ones that are saying no solutions are offered. **Mr. Stahl** discussed the amendments being offered and walked through language in various sections of the bill explaining them. **Mr. Stahl** offered to respond to any committee questions and submit in writing the various concerns before executive action is taken by the committee.

{Tape: 2; Side: A; Approx. Counter: 45.7;}

**REP. MILLS** asked a series of questions regarding the language in the title of the bill on rural improvement districts, what goes on when a road is abandoned, and the plowing of a road that is not a county road. **Mr. Stahl** explained the language and stated that "by law, when a road is abandoned the land is divided down the middle and it goes to the adjoining property owners, that is why it is only allowed on county roads".

**REP. MATT BRAINARD** questioned **Mr. Morris** regarding the concern that parties using the roads would not know which was the county road and the liability for an accident would be assumed to be on the county. **Mr. Morris** responded that for all intensive purposes that is correct however, that problem is not addressed in this bill. He said this bill will make a small step in the ultimate direction to get to the point where the liability curtains are

raised and there is a definite notion what is county and hence public and what is not county. The courts currently make that decision. **Mr. Morris** cited some examples pertaining to this question.

**REP. BRAINARD** stated the answer would be to put up a road sign that said "End of County Road, No Maintenance".

Closing by Sponsor:

**SEN. FORRESTER** closed reiterating the many reasons for supporting SB 309. He said out of one hundred and fifty county commissioners there was only one commissioner that opposed this bill. **SEN. FORRESTER** stressed that he is offering himself and the various parties involved in creating SB 309 and will work with the committee and anyone in disagreement or people that have concerns. **REP. DAN MCGEE** will carry SB 309 to the house floor.

ADJOURNMENT

Adjournment: 6:15 PM.



\_\_\_\_\_  
JACK HERRON, Vice Chairman



\_\_\_\_\_  
EVY BURRIS, Secretary

JH/ev

# HOUSE OF REPRESENTATIVES

## Local Government

ROLL CALL

DATE 3-21-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bill Boharski, Chairman	✓		
Rep. Jack Herron, Vice Chairman, Majority	✓		
Rep. David Ewer, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Shiell Anderson	✓		
Rep. Ellen Bergman	✓		
Rep. John Bohlinger			✓
Rep. Matt Brainard	✓		
Rep. Matt Denny	✓		
Rep. Rose Forbes	✓		
Rep. Toni Hagener	✓		
Rep. Bob Keenan	✓		
Rep. Linda McCulloch	✓		
Rep. Jeanette McKee	✓		
Rep. Norm Mills	✓		
Rep. Debbie Shea	✓		
Rep. Joe Tropila	✓		
Rep. Diana Wyatt	✓		

BEFORE  
HOUSE LOCAL GOVERNMENT COMMITTEE  
3/21/95

OPPOSITION TO S.B. 377 AS INTRODUCED

The general reasoning behind this bill would seem to make a lot of sense, and for the most part we can agree with the changes being proposed.

There are, however, some important issues that need to be addressed. Without the following changes, we must remain in opposition to S.B. 377.

Under NEW SECTION 3 ~~at the bottom of page 4~~, which allows County Commissioners to assume the duties of boards if there aren't enough persons available, we believe that this should, at least, be restricted to smaller class counties which may have a problem with available qualified persons. It should not be allowable in larger class counties where a reduction in board membership could more readily be viewed as a serious reduction in citizen representation and participation in local government.

Under Section 17 ~~on page 11 at lines 11 and 12~~, the sentence "A majority of the board members must be rural agricultural land owners." has been removed from current requirements. We feel that this requirement is very important in the membership of a district weed board. We feel strongly that noxious weeds are everybody's problem, that noxious weeds are costing all of the citizens of Montana, that noxious weeds are spread by all of us, and that we all have a responsibility to provide for their control. We feel, however, that a majority of the initial locations in our actions against noxious weeds, and the primary experienced agents at the front of this battle are from rural areas. It is for these reasons that we feel it very important to maintain a majority of the district weed board as rural agricultural land owners.

Under Section 21 ~~on page 14 at line 6~~, the requirement that a member of a district mosquito control board be a resident of the district has been removed. We feel that it is very important that this requirement be retained. Mosquito districts do not encompass entire counties. Many of the districts in Montana are only surrounding local communities or towns. Members of a board to administer a mosquito control program need to be from the district where the program is operating, not from the county at large.

As introduced, we cannot support the bill. With these changes to preserve important components and representation present in current law, we feel that this could be a step to simplifying government, and could then support the issue.

James S. Freeman, Weed supervisor, Cascade County Weed and Mosquito Management District  
President, Montana Mosquito and Vector Control Association  
Triangle Area Weed Supervisors

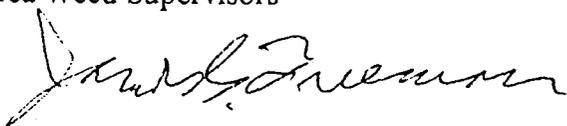


EXHIBIT 2  
DATE 3-21-95  
SB 41

To: Montana State Legislature  
From: East Missoula Sewer District Board  
Date: Jan. 5, 1995  
Re: Ref. to S.B. 41

On behalf of the East Missoula Sewer District Board, we recommend passage of SB 41 as presented.

We are sorry that none of our board members could be present for the hearing as our work schedules preclude the trip to Helena at this point.

Our board is at the point where we would like to hire an engineer to do a feasibility study on a sewerage system in East Missoula. Our next step is to ask our county commissioners for a two-year tax to fund this study. We feel that the present method of assessment is not a fair assessment for our purpose because it limits us to assessments based on either property values (we feel an individual living in a \$20,000 home contributes the same amount of cost to a sewage treatment, as an individual living in a \$100,000 home), or by the number of lots (there are some vacant lots in E. Missoula, as well as places where several lots make up one residence). In addition, a lot of our residents are on fixed incomes. By adding SB41, we are given a more appropriate method of assessment. It allows us to assess a flat rate per waste water disposal or sewer connection site to fund our study.

Thank you,

East Missoula Sewer Board

EXHIBIT 3DATE 3-21-95SB 41

ROBERT L DESCHAMPS III  
COUNTY ATTORNEY  
200 W BROADWAY ST  
MISSOULA MT 59802-4292

(406) 523-4737

March 21, 1995

Honorable Jeff Weldon  
Montana State Senator  
Capitol Bldg.  
Helena, MT 59620

Re: SB 41

Dear Senator Weldon:

SB 41 as amended provides the East Missoula Sewer District with the flexibility it feels it needs to fairly assess costs.

The purpose of the requested amendment is to authorize county sewer and water districts to assess based on a per hook up or on per existing disposal system basis. The law now allows for the assessment on the basis of either land area or the taxable value of the land to be assessed. While these methods have generally been acceptable, situations can arise in which a per system or per hook up assessment is fairer.

The East Missoula Sewer District is interested in funding a feasibility study for sewer construction and believes that given the manner in which East Missoula has been developed with widely varying lot sizes and values that a per system assessment is the fairest and most equitable method of assessment in their particular circumstances.

Absent the changes proposed by this bill the per system method of assessment is not an option.

While in honesty I cannot say that such a method would be the best or most equitable in all circumstances, it would certainly seem to be an option that should be available for localities. It should be stressed that what is being proposed by this bill is a local option which provides an additional local alternative, not a mandate. The question of which method of assessment is the best or most equitable is left to the locality which can choose the method which best suits local circumstances.

Before any assessment can be imposed, using any method, the law requires, and will continue to require, that notice of the proposed assessment be mailed to every owner or purchaser of property in the district, be posted in 5 places in the district, and be published twice (MCA § 7-13-2304). The notice must state the amount of money required, the method of assessment, the area to

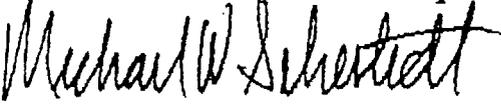
Honorable Jeff Weldon  
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be assessed, and the time and place of a hearing on protests to the assessment (MCA § 7-13-2306). The hearing on the protests is held by the Board of County Commissioners, not by the district board, which provides an additional check on the authority of the district board (MCA § 7-13-2307).

I would note that this flexibility is also provided by HB 308 which also addresses a number of other issues. SB 41 in its present form is entirely consistent with HB 308. If both bills pass there will be no conflict. I would urge passage of SB 41 to provide county sewer and water districts with additional assessment options. SB 41 is important to the district in that the future of HB 308 while not controversial is still uncertain.

Sincerely,

ROBERT L. DESCHAMPS III  
Missoula County Attorney

  
Michael W. Sehestedt  
Deputy County Attorney

MWS/gkm

Law Offices

DATE 3-21-95  
309

MOULTON, BELLINGHAM, LONGO & MATHER, P.C.

SUITE 1900, SHERATON PLAZA

27 NORTH 27TH STREET

P. O. BOX 2559

BILLINGS, MONTANA 59103-2559

TELEPHONE (406) 248-7731

TELECOPIER (406) 248-7889

March 20, 1995

FREDRIC D. MOULTON [1912-1989]  
WM. H. BELLINGHAM  
WARD SWANER  
BRENT R. CROMLEY  
GERALD B. MURPHY  
RANDY H. BELLINGHAM  
ROBERT H. PRIGGE  
SIDNEY R. THOMAS  
K. KENT KOOLEN  
GREGORY G. MURPHY  
W. A. FORSYTHE  
DOUG JAMES

BRAD H. ANDERSON  
THOMAS E. SMITH  
JOHN T. JONES  
T. THOMAS SINGER  
RAMONA HEUPEL STEVENS  
MARTHA SHEEHY  
HARLAN B. KROGH  
DUNCAN A. PEETE

BERNARD E. LONGO  
W. S. MATHER  
OF COUNSEL

Jim Logan  
County Surveyor  
Yellowstone County Courthouse  
P. O. Box 35023  
Billings, MT 59107

Re: Senate Bill 309

Dear Jim:

You asked me to comment upon Senate Bill 309 and how it might have altered existing state law. I will just set forth my general comments below with regard to specific sections:

1. 7-12-2102. This allows the County Commissioners to create a rural special improvement district for the purposes of constructing, improving, or maintaining any public road. I assume that what is intended is to grant authority over and above, or different than the rights to create a local improvement district under 7-14-2701, et seq. To avoid confusion, reference should be made to the fact that this right is separate from the rights under 7-14-2701, et seq. Since the definition of a public road has been greatly expanded by this section, this would be the mechanism, I assume, to pay for the costs of maintaining the new roads into "residential" areas. While the statute does not particularly make reference to residential areas, it excludes land use for solely agricultural purposes, and also excludes the land the road passes over the property to provide access to lands benefitted. I think this will create some confusion as to the definitions of those two areas. Since this statute does not affect the statute on protests, a district could still be protested out if it is done so by the owners of property in the district to be assessed by more than 50% of the cost.

2. 7-14-2101. The significant change in this section is the new definition of a county road as that provided under §60-1-103. This appears to be a major change in state law and requires you to read general statutes together.

3. 7-14-2103, Abandonment. This authorizes the county to be able to abandon roads when safety requires the discontinuance or abandonment. I assume if they can't get people to maintain the road, they need a safety valve in which to abandon the road. This is going to raise some interesting questions with regard to how they take it off the public road category and make it private. By the new definitions of county roads and public roads, it would appear that roads used by the public would still be a public or county road. I think this section still leaves some unanswered questions as to the affect of a road that is by definition a "county road" and then "abandoned."

March 20, 1995

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The new amendment which provides that abandonment or discontinuance cannot be valid unless preceded by public notice and public hearing was important because before that under the original bill, there may have been some argument as to whether or not there had actually been an abandonment under the definition without having any action taken. I believe that reference should be made to following the procedure of 7-14-2615, et seq.

4. 60-1-103, General Definitions. (1) Abandonment. I was troubled by the words, "cessation of activity" that would constitute abandonment, but that no longer raises the same questions if the requirement of a public hearing occurs.

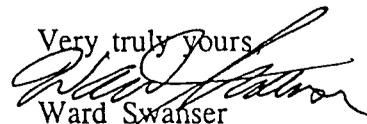
5. Definition of County Road. A county road is now classified as a public road that is neither federal, state or city. Public road is essentially everything that is not a "private" road. A private road is one that is privately owned, used for vehicular traffic by the owner, or those with its express or complied consent, and not used by other persons. Turning this around, it appears that if the road is used by other parties (other than the owner or lessee, etc.), then it would be classified as a public road, therefore, a county road. This could make almost every road in the county a "county road." The new proposed amendment requiring that the county assume jurisdiction by resolution over the newly acquired "county road," may give the county an opportunity to limit what roads it is assuming jurisdiction over for purposes of monitoring, and provide for a notice and an opportunity for hearing to affected parties.

I still foresee problems arising out of the broad definitions of county road. What happens, for instance, if under the definition, the public has used the road and it therefore would qualify as a "county road," and yet the county has refused to accept jurisdiction over it? Does this mean that it is a county road for all purposes except the maintenance responsibilities and requirements of the county? Conversely, what happens if the county accepts this as a county road, when in fact parties have only treated this as a private road. Right now the law is far from clear as to what constitutes a public road by virtue of right of prescription. The definitions contained in this bill are far broader than what would normally be required to prove a "county road" or a "public road" exists. This may very well alter the legal rights and responsibilities between private land owners out in the county. Right now, in light of the fact that many of the title companies are refusing to insure access unless there is a recorded easement, lack of access has been set up on many parcels in Montana. Whether or not this will change as a result of the broad definitions of this statute, I don't know. If it has that affect, there will be people out there that will feel they have been denied a valuable property right by making a road that they felt was private, public.

While in general, I applaud the efforts of the bill sponsors to try to bring some order out of this field of chaos, I feel that there still exist some major holes in the proposed bill mentioned above that should be explored, and hopefully clarified before passage.

I hope this answers some of your questions.

Very truly yours,



Ward Swanser

SENATE BILL 309  
FACT SHEET

1. THIS BILL IS A CLEVER ATTEMPT TO CIRCUMVENT THE LEGISLATIVE INTENT OF I-105 LIMITING PROPERTY TAXES.
2. IT PURPORTS ITSELF TO BE GENERALLY REVISING LAWS RELATING TO COUNTY ROADS, BUT IN FACT, RADICALLY CHANGES ACCEPTED HISTORICAL ROAD DEFINITIONS.
3. THE BILL IS MISLEADING IN THAT IT COMPLETELY CHANGES THE LEGISLATIVE INTENT OF THE REPEALED SECTIONS AS AMENDED, INCLUDING THE PROPERTY OWNERS CONTROL OF RIDs, i.e. 7-14-2901, 7-14-2902, 7-14-2903, 7-14-2907, AND 7-14-2908, MCA.
4. IT HAS NO EFFECTIVE PROVISIONS TO PROTECT INDIVIDUAL PROPERTY OWNERS FROM THE VERY DESTRUCTIVE NATURE OF THE EXPANDED COUNTY TAX AUTHORITY.
5. IT VIOLATES CONSTITUTIONALLY PROTECTED PROPERTY RIGHTS OF INDIVIDUALS, i.e. TAKING PERSONAL PROPERTY FOR PUBLIC USE WITHOUT REASONABLE COMPENSATION TO THE OWNERS.
6. THE LANGUAGE INTENDED TO PROTECT AGRICULTURAL INTERESTS FROM BEING INCLUDED IN RIDs IS INEFFECTIVE.
7. IT IS NOTED THAT CITY RESIDENTS CAN REJECT RIDs WITH 40% PROTESTING, COUNTY RESIDENTS NEED MORE THAN 50% OF THE COST TO REJECT OR STOP RIDs.
8. NO FISCAL NOTES HAVE BEEN REQUESTED, i.e. COUNTY ROAD DEPARTMENTS, LAW ENFORCEMENT AGENCIES AND VARIOUS AFFECTED STATE AGENCIES INVOLVED.

SENATE BILL 309

Q and A #1

- Q. THIS BILL IS A CLEVER ATTEMPT TO CIRCUMVENT THE LEGISLATIVE INTENT OF I-105 LIMITING PROPERTY TAXES.
- A. THIS LEGISLATION IMPOSES A MOST PERNICIOUS FORM OF DOUBLE TAXATION.

UNDER THIS LAW, IF A LANDOWNER OWNS LAND OVER WHICH THERE IS AN EASEMENT AND PAYS TAXES ON THIS LAND, THE COUNTY CAN COME IN AND CREATE A PUBLIC ROAD OUT OF THIS EASEMENT AND AT THE SAME TIME REQUIRE THE LAND OWNER TO PAY PROPERTY TAXES ON THE LAND AS WELL AS PAY THE COSTS OF THE IMPROVEMENTS RESULTING FROM THE CREATION OF THE RID.

THE BILL CONSTITUTES AN EXPANDED TAXING AUTHORITY FOR COUNTY COMMISSIONERS, TO USE AT THEIR CONVENIENCE, BY EXPANDING THE PERMISSIBLE ACTIVITIES AUTHORIZED UNDER THE LAW.

THIS BILL MOCKS THE STATED LEGISLATIVE INTENT OF THIS SESSION TO CONTROL AND REDUCE TAXES.

SENATE BILL 309

Q and A #2

- Q. IT PURPORTS ITSELF TO BE GENERALLY REVISING LAWS RELATING TO COUNTY ROADS, BUT IN FACT, **RADICALLY** CHANGES ACCEPTED HISTORICAL ROAD DEFINITIONS.
- A. THIS LEGISLATION ESSENTIALLY MAKES **ANY** ROAD A "COUNTY ROAD" **UNLESS** IT IS SPECIFICALLY DEFINED AS A FEDERAL-AID HIGHWAY, A STATE HIGHWAY, OR A CITY STREET, AS AMENDED IN SECTION 60-1-103(8).

THERE IS NO LONGER ANY SUCH THING AS AN **EASEMENT**. IF THE COUNTY COMMISSIONERS CHOOSE, THEY CAN DECLARE THIS TO BE A COUNTY ROAD AND IMPOSE ON THE TAXPAYERS, WHO OWN THE PROPERTIES AS A COMMON EASEMENT OF INGRESS AND EGRESS, TO PAY FOR THE SPECIAL IMPROVEMENTS IN-ADDITION TO THE TAXES ON THAT PORTION OF THE PROPERTY THAT IS DESCRIBED IN THE DEED OF OWNERSHIP, **CONTRARY TO, THE COMMON LAW OF EASEMENTS.**

SENATE BILL 309

Q and A #3

Q. THE BILL IS MISLEADING IN THAT IT COMPLETELY CHANGES THE LEGISLATIVE INTENT OF THE REPEALED SECTIONS AS AMENDED, INCLUDING THE PROPERTY OWNERS CONTROL OF RIDs, i.e. 7-14-2901, 7-14-2902, 7-14-2903, 7-14-2907, AND 7-14-2908, MCA.

A. THE REPEALED SECTIONS WERE FOR **NON-COUNTY ROADS**, SPECIFICALLY, THOSE ROADS WHICH WERE PHYSICALLY IMPOSSIBLE TO IMPROVE TO MINIMUM COUNTY ROAD STANDARDS FOR ACCEPTANCE BY THE COUNTY.

THE REPEALED SECTIONS PURPOSE WAS TO PROVIDE A MECHANISM FOR RESIDENTS TO IMPOSE A RURAL IMPROVEMENT TAX DISTRICT, FOR ROADS THE COUNTY COULD NOT LEGALLY ACCEPT, BY A LANDOWNER PETITION.

WHY THE INCLUSION OF SECTION 7-14-2111 TO THE STANDARDS (PAGE 2, LINE 9 AS AMENDED), i.e. "COUNTY ROADS MUST BE LAID OUT AND OPENED WHEN PRACTICABLE UPON SUBDIVISION OR SECTION LINES. HOWEVER, WHEN PUBLIC PURPOSES SHALL BE BEST SERVED THEREBY, ROADS MAY LAID OUT IN DIAGONAL LINES". THIS ITEM HAS NO BEARING ON THE STATED INTENT OF SB-309, FOR WHAT PURPOSE WAS IT ADDED ?

THIS BILL COMPLETELY REVERSES THE PROCESS, REMOVING THE RIGHT TO PETITION FOR ROAD IMPROVEMENTS FROM THE PROPERTY OWNERS CONTROL. THIS IS A **DIRECT ASSAULT** ON THE PROPERTY OWNERS RIGHTS TO CONTROL THEIR PROPERTY. GIVING THE **COUNTY COMMISSIONERS SUPREME AUTHORITY** TO FORM RIDs AT THEIR PLEASURE, WITH **TOTAL DISREGARD** FOR THE PROPERTY OWNER RIGHTS.

SENATE BILL 309

Q and A #4

Q. IT HAS NO EFFECTIVE PROVISIONS TO PROTECT INDIVIDUAL PROPERTY OWNERS FROM THE VERY DESTRUCTIVE NATURE OF THE EXPANDED COUNTY TAX AUTHORITY.

A. AS AMENDED THERE IS ABSOLUTELY NO DOLLAR LIMIT OF RIDs THAT CAN BE PLACED ON THE AFFECTED PROPERTY OWNERS, NOR ANY TIME LIMITS, THIS BILL IS PERPETUAL IN NATURE.

THE VERY NATURE OF THIS PERPETUAL TAXING AUTHORITY IS DEVASTATING TO A PROPERTY OWNERS ABILITY TO SURVIVE IN THIS TAX CRAZED SOCIETY.

THIS BILL CONTRADICTS STATED LEGISLATIVE INTENT ADVOCATING COST CONTAINMENT MEASURES FOR TAXES.

SENATE BILL 309

Q and A #5

Q. IT VIOLATES CONSTITUTIONALLY PROTECTED PROPERTY RIGHTS OF INDIVIDUALS, i.e. TAKING ONES PERSONAL PROPERTY FOR PUBLIC USE WITHOUT COMPENSATION.

A. THERE WILL NO LONGER BE ANY SUCH THING AS AN EASEMENT. IF THE COUNTY COMMISSIONERS CHOOSE, THEY CAN DECLARE THIS TO BE A "PUBLIC ROAD" AND IMPOSE ON THE PROPERTY OWNERS, WHO OWN THE PROPERTIES, AS A COMMON EASEMENT OF INGRESS AND EGRESS, TO PAY FOR SPECIAL IMPROVEMENTS, IN-ADDITION TO THE TAXES OF THAT PORTION OF THE PROPERTY THAT IS DESCRIBED IN THEIR DEED OF OWNERSHIP.

A "RESOLUTION" BY THE COUNTY COMMISSIONERS, TO ACCEPT A PUBLIC ROAD SUBJECT TO AN EASEMENT VIOLATES CONSTITUTIONAL LAW THAT SPECIFICALLY STATES, "THAT NO PERSONS PROPERTY CAN BE TAKEN WITHOUT DUE PROCESS OF LAW", AS PROVIDED UNDER THE FOLLOWING:

- a. THE UNITED STATES CONSTITUTION, FOURTEENTH AMENDMENT, DECLARES THAT NO PERSON'S PROPERTY CAN BE TAKEN WITHOUT DUE PROCESS OF LAW.
- b. ARTICLE II, SECTION 17 OF THE MONTANA CONSTITUTION DECLARES THAT "NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW."
- c. AND ARTICLE II, SECTION 29 OF THE MONTANA CONSTITUTION DECLARES THAT "PRIVATE PROPERTY SHALL NOT BE TAKEN OR DAMAGED FOR PUBLIC USE WITHOUT JUST COMPENSATION TO THE FULL EXTENT OF THE LOSS HAVING BEEN FIRST MADE TO OR PAID INTO COURT FOR THE OWNER, IN THE EVENT OF LITIGATION, JUST COMPENSATION SHALL INCLUDE NECESSARY EXPENSES TO BE AWARDED BY THE COURT WHEN THE PRIVATE OWNER PREVAILS."

SENATE BILL 309, VIOLATES ALL OF THE ABOVE PROVISIONS IN THE LAW AGAINST TAKING PRIVATE PROPERTY FOR PUBLIC USE WITHOUT DUE PROCESS.

SENATE BILL 309

Q and A #6

Q. THE LANGUAGE INTENDED TO PROTECT AGRICULTURAL INTERESTS FROM BEING INCLUDED IN RIDs IS INEFFECTIVE.

A. AGRICULTURAL PROPERTIES ARE QUITE OFTEN INCLUDED THE SAME AS OTHER PROPERTIES UNDER CURRENT STATUTES. THIS PROVISION IS NOT WORKING AS INTENDED. THE PROPOSED LANGUAGE IN SB-309 DOES NOT RESOLVE THIS DEFECT IN ANY MANNER.

QUITE OFTEN THE COUNTY COMMISSIONERS ARE TREATING AGRICULTURAL PROPERTIES, WHICH A ROAD RUNS THROUGH, AS BENEFITING FROM THE ROAD IMPROVEMENT DISTRICTS. AND ACCESSING RIDs ON THE OWNERS OF THE AGRICULTURAL LAND.

OTHER AGRICULTURAL OWNERS FIND THEMSELVES BEING DRAWN INTO RIDs BECAUSE THE LOCATION OF THEIR PROPERTIES BOUND AND/OR ABUT ROADS AFFECTED BY RIDs, EVEN THOUGH OTHER ACCESS IS AVAILABLE TO THESE AGRICULTURAL OWNERS.

THERE IS NO ADEQUATE PROTECTION PROVIDED UNDER THIS LAW OTHER THAN EXPENSIVE LITIGATION PROCEEDINGS AGAINST COUNTY OFFICIALS.

SENATE BILL 309

Q and A #7

Q. IT IS NOTED THAT CITY RESIDENTS CAN REJECT RIDs WITH 40% PROTESTING, COUNTY RESIDENTS NEED MORE THAN 50% OF THE COST TO REJECT OR STOP RIDs.

A. WHY THE DIFFERENCE BETWEEN CITY AND COUNTY RESIDENTS IN THEIR ABILITY TO RESIST AN RID BEING IMPOSED ON THEM BY THE COUNTY COMMISSIONERS ?

PROBLEMS ARISE WHEN NEW PEOPLE MOVE HERE AND DO NOT ADOPT THE ATTITUDES AND LIFESTYLE OF MONTANANS. QUITE OFTEN PEOPLE RELOCATING HERE ARE WEALTHIER THAN THE AVERAGE WORKING MONTANA RESIDENT AND SUBSEQUENTLY ABLE TO AFFORD THE RIDs THEY DEMAND.

CAN THE CITY IMPROVEMENT DISTRICT CONCEPT BE SUCCESSFULLY APPLIED IN A RURAL SETTINGS CONSIDERING THE DIFFERENCES BETWEEN THE TWO, i.e. THERE IS NO PRACTICAL WAY TO COMPARE A LOT ON A CITY BLOCK, WITH ANY DEGREE OF FAIRNESS, TO A RURAL PROPERTY SO DIFFERENT IN NATURE, SIZE AND LOCATION.

THE INFLUX OF OUT OF STATE PERSONS, WHO ARE WEALTHIER, COMPOUND THE PROBLEM, THROWING THE WHOLE RID CONCEPT OUT OF BALANCE BY OVERPOWERING THE RESIDENTS. THEY AS A GROUP, PUSH FOR SERVICES MONTANANS DO NOT EXPECT THE GOVERNMENT TO PROVIDE. ESTABLISHED RESIDENTS ARE FORCED TO PAY FOR SOMETHING THEY CAN'T AFFORD, DON'T WANT AND DON'T NEED.

THE STATUTES DO NOT ADDRESS REAL LIFE SITUATIONS, BUT PORTRAY THEM IN A VERY SIMPLISTIC, UNCONSCIONABLE MANNER, NOT CONSIDERING THE IMPACT ON RESIDENTS.

SENATE BILL 309

Q and A #8

Q. NO FISCAL NOTES HAVE BEEN REQUESTED, i.e. COUNTY ROAD DEPARTMENTS, LAW ENFORCEMENT AGENCIES AND VARIOUS AFFECTED STATE AGENCIES INVOLVED.

A. UNANSWERED ISSUES TO BE RESOLVED:

FISH WILDLIFE AND PARKS:

--NEW DEFINITION OF COUNTY ROADS--

--EFFECT ON BLOCK MANAGEMENT PROGRAMS AS FUNDED WITH FEDERAL, STATE AND POLITICAL SUBDIVISIONS OF THE STATE--

STATE LANDS PROPERTY BUREAU:

--ALREADY HAVE UNRESOLVED DISPUTES INVOLVING RIDs--

--CONCERNED THAT SB-309 WILL ONLY COMPOUND THE EXISTING PROBLEM--

STATE LANDS RECLAMATION BUREAU:

--ALREADY CONCERNED ABOUT THE EFFECTS OF SB-309 AND POTENTIAL CONFLICTS THEY WILL BE DRAWN INTO DUE TO THE NEW ROAD DEFINITIONS--

--PROGRAMS FUNDED WITH FEDERAL, STATE AND POLITICAL SUBDIVISIONS OF THE STATE--

COUNTY ROAD DEPARTMENTS:

--DUTIES AND RESPONSIBILITIES FOR PUBLIC SAFETY ISSUES ON NEW PUBLIC ROADS--

--COST OF REQUIRED ROAD SIGNING, etc.--

--IMPACT ON COUNTY ADMINISTRATION BUDGETS--

LAW ENFORCEMENT :

--INCREASED WORK LOAD PRESENTED BY MILES AND  
MILES OF NEW COUNTY ROADS--

--NEW OFFROAD VEHICLES REQUIRED--

--INCREASED MAINTENANCE COST--

--ADDITIONAL FUEL COSTS--

March 16, 1995

To: Representative Dan McGee

RE: Senate Bill 309 - - Constitutional Issue

Dear Dan,

Pursuant to our meeting, March 9, 1995, I have outlined the constitutional issue in SB 309 with amendments as requested.

The legislature must be assured by those sponsoring this legislation that the common law of easements has not been changed by this pernicious legislation that essentially makes ANY road a "county road" unless it is specifically defined as a federal-aid highway, a state highway, or a city street as amended in Section 60-1-103(B) "County road".

This new road concept changes Montana's "County road" definition and the common law of easements for ingress and egress.

There is no longer any such thing as an easement. If the county commissioners choose, they can declare this to be a "county road" and impose on the taxpayers, who own the properties, as a common easement of ingress and egress, to pay for special improvements in-addition to the taxes on that portion of the property that is described in their deed of ownership, which now is subject to expanded county road taxes due to the added roads on private property.

Constitutional law specifically states, that no persons property can be taken without due process of law, as provided under the following:

- a. The United States Constitution, Fourteenth Amendment, declares that no person's property can be taken without due process of law.
- b. Article II, Section 17 of the Montana Constitution declares that "No person shall be deprived of life, liberty, or property without due process of law."

- c. And Article II, Section 29 of the Montana Constitution declares that "Private property shall not be taken or damaged for public use without just compensation to the full extent of the loss having been first made to or paid into court for the owner, in the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when private owner prevails."

Senate Bill 309, violates all of the above provisions in law against taking private property for public use without due process by "resolution of the board of county commissioners".

To correct the problem identified, I recommend you delete the term "easement" from page 6, line 18 on the amended version of the bill as it now stands (attachment A).

I further emphasize that because I have pointed out a gross constitutional defect of this bill, it is not my only concern. I have other arguments to show that this bill should be killed. I will present them to the committee and I hope that you will question the sponsors of this legislation about these concerns. I think their answers may be enlightening, if the questions are properly framed.

If I can be of any further assistance in this matter, please call me at 442-8575.

Thank You.

Sincerely,

  
-----  
Dave Wood

J. BRIAN TIERNEY  
ATTORNEY AT LAW

EXHIBIT 6

DATE 3-21-95

309

1117 WEST BROADWAY  
BUTTE, MONTANA 59701  
(406) 782-6771  
FAX: (406) 782-2207

March 25, 1994

Mr. Mike McGrath  
Lewis & Clark County Attorney  
County Courthouse  
Helena, Montana 59601

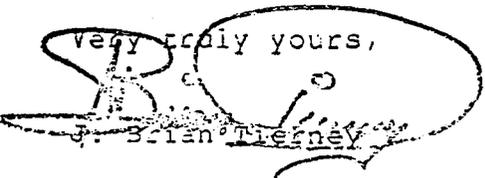
Re: County Commissioners' resolution creating  
the Eagle Ridge Road Improvement District

Dear Mr. McGrath:

As indicated in the enclosed letter to the Lewis & Clark County Commissioners, I represent the Woods and the Greaves, who protested the creation of the Eagle Ridge RID. As I pointed out in some detail in my letter to the Commissioners, the proceedings are flawed from start to finish, and the Resolution, therefore, is invalid. I am confident that a district judge would overturn the Resolution and issue an order compelling the Commissioners to dissolve the Resolution. Of course, we want to avoid litigation if possible.

April 14, 1994 seems sufficient time for you to review the situation and the proceedings surrounding the creation of the RID. So that we will know what the intentions of the County are, we would appreciate hearing from the County by this date.

Very truly yours,

  
J. Brian Tierney

Enclosure: Letter to Lewis & Clark County Commissioners

**COPY**

J. BRIAN TIERNEY

ATTORNEY AT LAW

1117 WEST BROADWAY  
BUTTE, MONTANA 59701  
(406) 782-6771  
FAX: (406) 782-2207

March 25, 1994

Lewis & Clark County Commissioners  
City-County Building  
316 North Park P.O. Box 1724  
Helena, Montana 59624

Re: Eagle Ridge Petition to create Road Improvement  
District, and following proceedings.

Dear County Commissioners:

I represent David F. Wood and his wife, Patricia A. Wood, and Russell Greaves and his wife, Linda Greaves, all of whom protested the creation of the Eagle Ridge Improvement District. Because the Commissioners failed to follow mandatory provisions of the law, the resolution is invalid. A district judge would declare it to be invalid.

I hope we can avoid a lawsuit, and it can be done if you rescind your resolution creating the Eagle Ridge RID. For all concerned, this will save time, money and effort. If the Commissioners fail to rescind and dissolve the resolution creating the RID, we will be compelled to file a lawsuit in which the appropriate remedy is a writ of mandamus directed to the Commissioners compelling them to rescind and dissolve the resolution creating the RID. The successful petitioners will also be entitled to recover court costs and attorney fees. Depending on how protracted the litigation may become, this could amount to at least several thousand dollars. I would hope that the Commissioners will choose not to gamble with the taxpayers' money.

I assume that Mike McGrath, the Lewis & Clark County Attorney, is your advisor in this matter and he will be giving you advice as to how you will proceed. Therefore, I am sending him a copy of this letter. I feel confident that he will conclude that it is in the best interests of Lewis & Clark County for the Commissioners to rescind or dissolve their resolution creating the Eagle Ridge RID.

**COPY**

I will not detail here all grounds of a lawsuit if we must file one, but I will spell out our primary contentions that the Eagle Ridge RID was formed in violation of the mandatory statutory requirements of Part 29 (sections 7-14-2901 through 7-14-2908). The Eagle Ridge Petitioners relied on these statutes in seeking to establish the RID and the Commissioners were bound to follow the mandates of the statutes.

A fundamental, jurisdictional failure, was the failure of the Commissioners to make a preliminary decision as to whether the petitioners were entitled to use Part 29 as the means of creating the RID. Before notices are sent to property owners and a hearing on the petition, Section 7-14-2901(2) mandates that:

...The county surveyor must determine that it would be physically impractical to improve the road to standard county specifications. (Emphasis added)

Here the petitioners did not request the county to make this mandated determination, nor did the Commissioners appoint a qualified surveyor to make this required preliminary determination. Rather, the petitioners and the Commissioners ignored this statute.

Because Lewis & Clark County does not have a county surveyor, the proper course was for the Commissioners to appoint a surveyor for the limited purpose of examining the proposed road and its location, and then to determine whether it was "physically impractical to improve the road to standard county specifications." If it was "physically impractical", then the petitioners could proceed with their petition by invoking the statutes in Part 29. But if it was NOT "physically impractical", then the petitioners could not use the statutes contained in Part 29. This fundamental preliminary requirement was not fulfilled in this case.

The legislative history of these statutes (Part 29) is sparse. But it is clear that these statutes were not designed to be an easy means of creating a road improvement district that also relieves the county from the duty of maintaining the road. Nor were the statutes intended as an easy means for petitioning landowners to create an RID that does not comply with "standard county specifications." Rather, the statutes are intended for special and limited use, a use that does not exist in this case. But more important here: the statute requiring a finding of physical impracticality as a preliminary jurisdictional foundation, was entirely ignored. The Commissioners cannot deny this fundamental fact.

Therefore, in choosing to proceed by ignoring the statute, the Commissioners did so at their own peril and at the peril of placing county taxpayer dollars on the line--not only to defend a lawsuit, but also to pay costs and attorney fees to the parties challenging the actions of the Commissioners. We hope this will not be necessary.

At least one jurisdictional defect exists in the petition itself. The petition fails to place a time limit on the number of years the RID is to be in effect, and therefore it is in violation of section 7-14-2902(1)(d). Section 7-14-2902(1) specifies what a petition "must" contain. Applied here, section 7-14-2902(1)(d) says that the petition "must":

(d) if the improvement is a service such as snowplowing, estimate the length of time the service is to be provided.

The Eagle Road RID petition provides for snowplowing and other services such as maintenance, but it fails to "estimate the length of time the service is to be provided." Rather, it is open-ended, in effect providing that the services will continue forever. The petition declares only an annual cost of \$1,381.00 for the snowplowing and other maintenance, but it fails to place an estimated time limit as to how long it will continue. This statute is clearly intended to protect against the imposition of a road improvement district and forced collection of assessments that have no stated time limits. Property owners are entitled to know how long they are being compelled to contribute to a road improvement district through a system that is governmentally compelled and enforced.

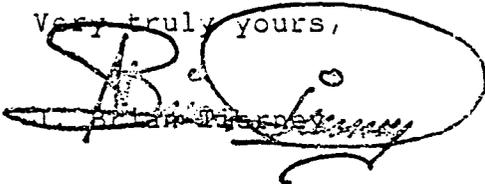
The estimated duration requirement of section 7-14-2902(1)(d), must be read in conjunction with section 7-14-2903. Section 7-14-2903, provides for a simplified method of petition, notice, and hearing if there is a protest. This statute is the mechanism by which a road improvement district can be continued after the expiration of the first time period. It is the means by which there can be another time period imposed for the enforced collection of assessments. But the petition ignores and the Commissioners ignored the application of this statute by effectively compelling the property owners to pay into a road maintenance fund for a future without end. On this ground alone, I believe a district judge would declare the petition to be invalid. Here the Commissioners failed to perform their statutory function of determining the legal sufficiency of the petition.

Another fatal flaw exists although it does not appear on the face of the record. The Commissioners failed to first determine the nature of the property interests involved on which passes the road commonly referred to as Eagle Ridge Road. The Woods' property and the Greaves' property is subject to an access easement for properties that are above their own. However, subject to this easement, the Woods and the Greaves own all of the property as indicated by the fact that they have always paid taxes on all of this land of which the easement is part. This being so, the Commissioners had no right to impose an RID on this land without the required allegations in the petition, and supporting evidence that the property had, before the filing of the petition, been converted into a public easement. No such facts and proceedings are on record in this case.

I have set out in some detail three major points on which a district court would invalidate the Eagle Ridge RID. Two of them consist of failures of the Commissioners to comply with mandatory statutory requirements. The third consists of the failure of the Commissioners to determine the nature of the property interests involved over which the road passes. In addition; I will raise other issues if we are compelled to take the case to district court. However, we want to resolve this case simply by an act of the Commissioners rescinding or dissolving its resolution creating the Eagle Ridge RID.

Please let me know your intentions by Monday, April 14, 1994. This should give you sufficient time to confer with Mr. McGrath the County Attorney, and to make your decision. If we have not heard from you in writing by this date we will assume your decision is no, which will compel us to file an action in district court for a writ of mandamus and other proper relief.

Very truly yours,

A handwritten signature in dark ink, appearing to be "R. B. [unclear]", is written over a circular stamp. The stamp contains some illegible text, possibly a date or a reference number. The signature is written in a cursive style.

Enclosure: Letter to Lewis & Clark County Attorney

Donald W. Hance -

EXHIBIT 7

DATE 3-21-95

SB 309

HOUSE COMMITTEE                      TESTIMONY IN OPPOSITION TO SB-309, RIDs  
ON LOCAL GOVERNMENT

MR. CHAIRMAN AND COMMITTEE MEMBERS:

IF I AM NOT ALLOWED TO TESTIFY PLEASE ENTER THIS INTO THE HEARING RECORD.

I WILL TRY TO BE AS BRIEF AS POSSIBLE ABOUT SB 309 AND STILL VOICE SOME CONCERNS ABOUT THIS COMPLEX ISSUE.

SB 309 DOES MORE THAN GENERALLY REVISE LAWS RELATING TO COUNTY ROADS.

IT IS A PLAY ON WORDS THAT CONFUSES THE ISSUE RATHER THAN CLARIFY THE INCONSISTENCIES THROUGH OUT THE NEW LAW. THE OLD LAW WAS CONSISTENT AND PEOPLE COULD UNDERSTAND THE LAW. THE LEGALITY OF THE WORDING AND THE CHANGES IN MEANING IN SB 309 COULD CREATE LEGAL PROBLEMS.

1. WHY IS THE CURRENT PETITIONING PROCESS FOR ACCEPTANCE OF A ROAD BY THE COUNTY SO OBJECTIONABLE TO THE COUNTIES ?
2. HOW WILL SB 309 CHANGE THE CURRENT STATUTES OF RURAL IMPROVEMENT DISTRICTS, AND FOR WHAT REASONS IS THERE A NEED TO CHANGE THE LAW ?
3. WHY REPEAL THE OLD STATUTES, ie. 7-14-2901, 7-14-2902, 7-14-2903, 7-14-2907 AND 7-14-2908 THAT ARE IN PLACE AND WORKING FOR THE COUNTIES THAT USE THEM AS DEFINED ? THE OLD LAW COVERS SPECIFIC CIRCUMSTANCES FOR ROADS NOT MEETING MINIMUM STANDARDS. ie. (1989 KINGS POINT ROAD THAT STARTED THIS ALL).
4. THIS NEW LAW, WILL INCREASE COUNTY LAW ENFORCEMENTS RESPONSIBILITIES AND STAFFING REQUIREMENTS.
5. THE ISSUE OF INCREASED LANDOWNER AND COUNTY LIABILITY COVERING THOUSANDS OF MILES OF "NEW COUNTY ROADS" IS NOT ADDRESSED BY THIS NEW LAW.
6. THIS NEW LAW WILL EXPAND THE COUNTIES BUREAUCRACIES, POWER AND AUTHORITY.
7. THIS NEW LAW WILL ALLOW THE COUNTIES TO IMPLEMENT NEW TAXES ON LAND OWNERS WITHOUT PROPER AUTHORITY, THUS CIRCUMVENTING LEGISLATIVE AUTHORITY LIMITING NEW TAX AUTHORITY.

8. IN THE SENATE HEARING SENATOR BECK ASKED ASST. COUNTY ATTORNEY, PAUL STAHL, TO DEFINE THE TERM FREEHOLDER. THE RESPONSE GIVEN TO THE QUESTION, AND ITS FRIVOLOUS TREATMENT, CAUSED SERIOUS CONCERN IN MY CONFIDENCE LEVEL OF THE ABILITY OF THIS PERSON, MR. STAHL, WHO HELPED WRITE THE BILL, HAVING THE PROPER COMPREHENSION OF A "FREEHOLDER" IN THE REJECTION RID PROCESS.

MR. STAHL'S ANSWER DID NOT CLARIFY IN ANY MANNER OR SUBSTANTIALLY ANSWER THE QUESTION ASKED BY SENATOR BECK, OR SATISFY ME.

THE TERM FREEHOLDER IS VERY IMPORTANT TO THE REJECTION PROCESS AND SENATOR BECK DESERVED A CORRECT ANSWER AS TO WHETHER THE LANGUAGE CHANGE HAS ANY IMPACT ON THE PROCESS. (FREEHOLDER-OWNS LAND OWNED OUTRIGHT )

THE REJECTION PROCESS NEEDS TO BE DETAILED IN EXACT TERMS SO AS TO LEAVE NO DOUBT WHEN THE LANDOWNERS SAY "NO!!" TO A RID.

ONCE FREEHOLDER IS CLEARLY UNDERSTOOD A PRECISE PROCESS FOR STOPPING UNWANTED SIDS IS NEEDED. WE DESERVE THE RIGHT TO REJECT UNWANTED SIDS.

IN THE SENATE HEARING THEY STATED THAT 51% OF THE FREE HOLDERS WOULD BE NEEDED STOP A RID FROM BEING FORMED, THE CITY ONLY NEEDS 40%, WHY THE DIFFERENCE ?

~~I FEEL 40% SHOULD APPLY TO BOTH AREAS, CITY AND RURAL, IN THIS BILL AND NO DISCRIMINATION SHOULD BE ALLOWED.~~

10. ON PAGE3, LINE 25, THE LANGUAGE SHOULD BE CHANGED FROM: " MAY DISCONTINUE " TO: " SHALL DISCONTINUE ", WHEN THE FREEHOLDERS PETITION FOR RELIEF. AS WRITTEN THIS LAW DICTATES TO THE COUNTY COMMISSIONERS HOW THEY WILL APPLY THE LAW AND REMOVES DISCRETION AUTHORITY. AND THE LANDOWNERS LOSE THE RIGHT TO PETITION.
11. BEFORE THIS BILL IS SERIOUSLY CONSIDERED, FISCAL NOTES SHOULD BE REQUESTED, - CONSIDERING THE IMPACT ON THE COUNTIES TO INSTALL SPEED SIGNS, WARNING SIGNS, STOP SIGNS, BARRIERS ect., ON THE THOUSANDS OF MILES OF ROADS ADDED BY THIS BILL.

OTHER FISCAL NOTE CONCERNING THE IMPACT ON LAW ENFORCEMENT AND OTHER AGENCIES SHOULD BE REQUESTED.

12. THIS BILL CHANGES THE COMMON LAW OF EASEMENTS. UNDER THIS LAW AN EASEMENT BECOMES ACCESS ACROSS PROPERTY, ACCESS THEN BECOMES A PUBLIC ROAD ACROSS PROPERTY, A PUBLIC ROAD WOULD THEN BECOME A COUNTY ROAD. THUS THE DEFINITION OF AN EASEMENT IS CHANGED TO MEAN " COUNTY ROAD ". THIS BROADENS THE BURDEN OF THE EASEMENT ON MY PROPERTY THAT I AM SUBJECTED TO. IT IS A PRIVATE EASEMENT ACROSS MY LAND AND NOT A PUBLIC ROAD. THIS BILL DOES AWAY WITH AND ATTEMPTS TO TAKE AWAY MY RIGHTS UNDER CURRENT LAW. YOU CAN'T JUST CHANGE THE DEFINITION OF EASEMENT AND THIS BILL IS ATTEMPTING TO DO THAT, AND THAT IS ILLEGAL.
13. IN A VERY SHORT TIME REALTORS WILL FIND IT IMPOSSIBLE TO PURCHASE EASEMENTS. THE LANDOWNER GIVING EASEMENT IS SUBJECT RIDs WITHOUT LIMITS, OF A PERPETUAL NATURE AT THE PLEASURE OF THE COMMISSIONERS FOR ALLOWING AN EASEMENT ACROSS THEIR PROPERTY. NEW SUBDIVISIONS ARE ADDRESSED ELSEWHERE.
14. THIS BILL WILL AFFECT PROPERTY VALUATIONS (RIDs, SIDs OR TAXES). THUS THE PRICE OF BUYING NEW CONSTRUCTION GOES UP, AND THE VALUE OF EXISTING HOMES ON RURAL ROADS GOES DOWN, AS PROSPECTIVE BUYERS LOOK AT RIDs OR POTENTIAL COSTS WHICH COULD BE ACCESSED.
15. IF PROPERTY PURCHASED ENCOMPASSING AN ENTIRE LENGTH OF COUNTY ROAD, THE LANDOWNER WILL NOT BE ABLE TO CLOSE THE ROAD WITHOUT THE APPROVAL OF THE COUNTY COMMISSIONERS. WHY ?
16. HAS A STUDY BEEN DONE DETERMINING IF OTHER STATES HAVE SIMILAR LAWS ? IF SO, WHAT WAS THE EFFECT OF THE LAWS ON THE LAND OWNERS AND THEIR PROPERTY ?
17. THE GOVERNOR PROMISED TO DOWN SIZE GOVERNMENT NOR INCREASE TAXES, THIS BILL IS APPEARS TO FLY IN THE FACE OF A PROMISE MADE TO THE PEOPLE.

TO ANSWER THE QUESTION " WHY DID I BRING ALL OF THIS UP"?:

LAST FALL THE LEWIS & CLARK COUNTY COMMISSIONERS, AND COUNTY ATTORNEY PAUL STHAL, ATTEMPTED TO USE A "EMERGENCY PROVISION IN THE ZONING LAW TO ZONE THE WHOLE COUNTY". IT WAS A SNEAK ATTACK, MOST OF THE RESIDENTS IN THE COUNTY WERE TOTALLY UNAWARE OF THE ENORMOUS IMPACT IT WOULD HAVE, RESIDENTS IN THE NORTHERN PART OF THE COUNTY, KNEW NOTHING OF THE ZONING ACTION.

AS A EXAMPLE OF ONLY ONE SMALL PORTION OF THIS EMERGENCY ZONING, IT WOULD FORCED PEOPLE WHO HAVE LIVED IN THE SAME HOUSE FOR GENERATIONS TO MOVE IN THE EVENT THAT MORE THAN 50% OF THEIR HOME WAS DESTROYED, IF THEY FELL WITHIN CERTAIN RIPARIAN AREAS. TO TELL THE FIRE DEPT. TO LET IT BURN BECAUSE IT CAN'T BE REBUILT ON THE SAME FOUNDATION AND THE INSURANCE COMPANIES AREN'T GOING TO PAY FOR THE REMAINING HALF TO BE NEW CONSTRUCTION, IS UNCONSCIONABLE. MUCH OF AUGUSTA WAS IN VIOLATION OF THE NEW ZONING LAWS AS PROPOSED. THE COMMISSIONERS MADE IT VERY PLAIN, THERE WOULD BE NO VARIANCES GRANTED. THE HEAVY HANDED MANNER IN WHICH THE PUBLIC WAS TREATED IS SYMPTOMATIC OF THE PROBLEM FACED BY RESIDENTS IN THIS COUNTY.

#### IN SUMMARY

ON 11/22/94 WE ATTENDED A COUNTY COMMISSION MEETING AT THE HELENA CIVIC CENTER. COUNTY ATTORNEY, PAUL STAHL, SPOKE FOR ABOUT 45 MINUTES ABOUT THE GRAY AREAS OF "EMERGENCY ZONING", AND HOW THIS ISSUE WAS GOING TO END UP IN COURT, THEN HE LEFT THE MEETING.

THIS APPROACH SET THE MOOD FOR THE HEARING. MANY PEOPLE WITH THEIR PROPERTY AT RISK, OR WHOSE PROPERTY COULD BE TAKEN, SPOKE OUT AGAINST THIS ISSUE, WE WERE LABELED EXTREMISTS BY THE COMMISSIONERS AND THE PRESS.

LATER WE FOUND OUT THAT THE COMMISSIONERS HAD CALLED IN A SPECIALIST IN EXTREMIST HATE GROUPS TO INSTRUCT THE CITY COUNTY PLANNING BOARD AND THE COMMISSIONERS ON HOW TO HANDLE EXTREMIST GROUPS, WE WERE LABELED RIGHT UP THERE WITH THE NEO-NAZIS AND SKIN HEADS.

IN SPITE OF A SUBSTANTIAL PROTEST FROM THE PUBLIC TWO COUNTY COMMISSIONERS SCOLDED US AND VOTED TO PROCEED IN SPITE OF SUBSTANTIAL PROTEST. THE COMMISSIONERS TRIED TO IGNORE THE PUBLIC OUTCRY. WHEN THE PUBLIC ROSE UP IN NUMBERS TO PROTEST, THESE ARE THE PEOPLE THAT USUALLY STAY HOME, THEY WERE TREATED AS CRIMINALS BY THE COUNTY COMMISSIONERS. THIS IS DESPICABLE AND IS THE BASIS FOR MY CONCERNS. I KNOW HOW OUR ASST COUNTY ATTORNEY AND COUNTY COMMISSIONERS WOULD MANIPULATE THIS VAGUE LAW AT THEIR PLEASURE.

PLEASE !!!!!

BECAUSE OF THIS TRUE EXAMPLE, WHICH I STAND BEHIND, I ASK THAT THIS LEGISLATION BE DECLARED TABLED AND DEAD. IF YOU DO NOT TABLE IT PLEASE, AFTER IN-DEPTH STUDY, AMEND IT TO ASSURE THE CITIZENS RIGHTS ARE WHOLE. THE PEOPLE DESERVE BETTER THAN HAVING THEIR COUNTY LEGAL STAFF TELL THEM IT WILL MAKE THE RULES AND WE WILL HAVE TO SUE IF WE DON'T LIKE IT.

THE PEOPLE AREN'T INTERESTED IN DEALING WITH MR. STAHL'S GRAY AREAS OF THE LAW, BUT WE WILL BE FORCED TO DEAL WITH GREY AREAS IF THIS BILL PASSES. WE ASK TO BE TREATED FAIRLY AND BE HEARD. WITHOUT BEING TREATED LIKE CRIMINALS. THE "EMERGENCY ZONING", FIASCO PROMPTED SENATOR TOM BECKS SB 323 WHICH DEFINED TO A NEEDLE POINT THE DEFINITION OF A "EMERGENCY".

PLEASE TABLE SB 309, IT COMPLETELY REVERSES THE PROCESS AND RADICALLY CHANGES A GOOD LAW AND TAKES THE POWER AWAY FROM THE PEOPLE AND GIVES IT TO THE COUNTY COMMISSIONERS, AS THE RESIDENTS OF LEWIS AND CLARK COUNTY FOUND OUT.

THANK YOU:

  
DONALD W NANCE  
5585 BIRDSEYE ROAD  
HELENA MT 59601  
phone (406) 442-0486

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

*Local Government*

SUB-COMMITTEE

DATE 3-21-95

BILL NO. HB 604

SPONSOR(S) Rep. Bolkowski

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
James S. Freeman	CASCADER CO. Weeds MGR MT MUSGRAVE RTR ASSOC TRI-STATE AREA WEED SAG		X
ANN E. RAUSER	BROADWATER CO. Weed		X
ED KIRBY	UNITED RIGHT OF WAY		X
Gordon Morris	MAG	X	
Bob Carlson	Silver Bow weed District	X	
Chris Imhoff	MT League of Women voters	x with removal of "freeloader" Sec. 1 (14) resident sufficient	8
Howard Giper	FLETCHER CO	F	
Chris Racicot	Montana Building Lady Assoc	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Local Government

SUB-COMMITTEE

DATE 3-21-95

BILL NO SB-309

SPONSOR(S)

SEN. MARY FORRESTER

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Jim Logan	Yellowstone Co. Surveyor Of.		
Don Nance	myself		X
DON VALITON	POWELL Co. Commissioner	X	
SAM GIANNI-FRANCISCO	MONTANA ASS AD SUPER	X	
Charles R. Brooks	Yellowstone County	X	
K Paul Stahl	Lawrence Clark County	X	
Bill Rappold	Pondera Co.	X	
DAVE WOOD			X
Roy Andes	DSL	X	
Blake Wondal	Lewis & Clark Co.	X	
Larry Brown	Ag Pres. Assoc.		X
Roy Casper	Cascade Co.	X	
W <sup>m</sup> Spilky	Mt Assn Realtors		X

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HR:1993

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CS-14

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Local Government

SUB-COMMITTEE

DATE 3/21/95

BILL NO. SB-309

SPONSOR(S) SEN. LARRY FORRESTER

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Bloomquist	Mt. Stockgroves		X
Bill Kennedy	Yellowstone County	X	
Vern Petersen	MACO	X	
Lorden Morris	MACO	X	
Chris Imhoff	MT League of Women voters	X	
Lorna Frank	MT. Farm Bureau	<del>309</del>	309
HORACE S. BROWN	Missoula Co. <sup>County</sup> Surveyor	X	
HOWARD GIPK	Flathead Co	X	
Clara Paladchuk	Richland Co.	X	

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CS-14

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Real Government SUB-COMMITTEE DATE 3-21-83  
BILL NO. SB 377 SPONSOR(S) Sen. Jeff Keenan

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dave Ashley	Dept of Admin	✓	
Blake Wondal	Lewis & Clark Co	✓	
JAMES S. FREEMAN	MONTANA MOSBY & WEAVER CONT. TRIANGLE WEED SUPPLIES CASCADE CO. WEED MESA		X
ANN E. RAUSER	BROADWATER CO. WEED		X
Ed Kirby	UNITED RIGHT OF WAY		X
<del>John Bloomquist</del>			
Gordon Morris	MA Co	✓	
Chris Imhoff	MT League of Women Voters	✓	
Bob Carlson	Silver Bow Weed Dist.	✓	
Laurie Ekanger	Governor's Office	✓	
CHRIS HINDOEN	TETON CO. WEED	✓	
Howard Gipe	flinthead Co	✓	
Clara Palastichuk	Richland Development	✓	

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