

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 18, 1977

The meeting was called to order by Senator Turnage, Chairman, on the above date at 9:30 a.m. in Room 442 of the State Capitol Building.

ROLL CALL:

All members were present at the meeting.

WITNESSES PRESENT TO TESTIFY:

Senator Watt - District 49

Gregg L. McCurdy - Montana Association of Counties

William L. Romine - Montana attorney

George Bennett - Helena attorney representing Mountain Bell

Tom Collins - Montana Association of Realtors

CONSIDERATION OF SENATE BILL 23:

Senator Watt, sponsor of this bill, explained to the committee why he had it drafted, that it was especially designed to clear up a current problem which Missoula is having in vacating alleys or streets, which problem also occurs in other cities or towns. He said that the abutting property owner should have first right to purchase property vacated.

Gregg McCurdy, Montana Association of Counties, appeared in support of the bill, but with one concern that counties, by law, do not own title to rights-of-way. However, he said they do own the rights-of-access.

Bill Romine, a Montana attorney, appeared as an opponent of S.B. 23. Mr. Romine said he feels that there is a definite problem with the amendment made to the bill in the use of the word "dedicated" in lieu of the word "deeded". He also said that he does not understand section 2. He questioned if a few isolated instances in Missoula warrant this bill.

George Bennett, a Helena attorney representing Mountain Bell, said that they have problems with the right-of-ways for utilities in S.B. 23, and that he agrees with Mr. Romine. He told the committee also that, if they saw fit to pass this bill, they will have to make many amendments to it, in particular as to public utilities.

Tom Collins, Montana Association of Realtors, also appeared as an opponent of S.B. 23.

At this time, Senator Watt said that he agrees with George Bennett that the rights of utilities should be preserved, and that the bill was sent to this committee because he realized the bill

had problems. He told the committee that any way they dealt with the problems would certainly be appreciated. Further, Senator Watt said that former Senator Drake had recommended that section 2 should be struck entirely. However, he said that he does feel that the city should receive money for purchase of these alleys and streets.

Testimony was then closed on Senate Bill 23 and the witnesses thanked by Chairman Turnage.

At this time the committee secretary was instructed to put out the committee report on the amendments on Senate Bill 30.

DISPOSITION OF SENATE BILL 23:

The committee passed consideration and asked the staff to come up with something on this bill. Senator Towe said he would be glad to suggest to Senator Watt that he introduce a new bill on this subject.

CONSIDERATION OF SENATE BILL 34:

The Legislative Council researcher, Joan Mayer, resumed explanation of the changes made on S.B. 34, beginning with section 25 on page 38.

Senator Lensink moved to strike the word "causes" in section 32, line 14, page 49. The motion carried unanimously.

The committee considered through section 36, page 54, at which time it was necessary for them to go to other meetings.

There being no further business to be transacted at this time, the committee adjourned at 11:00 a.m. to reconvene at 9:30 a.m. on Wednesday, January 19, 1977, in Room 404 for the consideration of Senate Bill 67.

SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1/18/77

DATE

1-18-77

COMMITTEE ON

BILL NO. 5823

VISITOR'S REGISTER