

MINUTES OF THE MEETING OF THE COMMITTEE ON LOCAL GOVERNMENT  
February 10, 1981

The meeting was called to order at 7:30 p.m. by Chairman Bertelsen. The secretary called the roll and found all members present except Representative Hurwitz who was excused and Rep. Pistoria who was absent.

CHAIRMAN BERTELSEN introduced Rep. Mel Williams who is chief sponsor of HOUSE BILL 624.

HOUSE BILL 624 Sponsor Mel Williams said this is an act to increase the fees charged by the County Clerks for recording, filing, and copying services; removing provisions that are outdated amending sections 7-4-2631 and 7-4-2632, and repealing section 7-4-2633. We have some witnesses here who will testify in behalf of this bill and I would first like to call on Mr. Merrill Klundt, who is the Clerk and Recorder of Yellowstone County.

PROPONENTS TO HOUSE BILL 624

MERRILL KLUNDT said he is the Vice Chairman of the Legislative Committee of Montana, Clerk & Recorders Association. He said that on behalf of the County Clerk and Recorders Association and himself, we would appreciate your support in passing this worthwhile legislation. (Mr. Klundt submitted his written statement in favor of this bill, which is attached to and made a part of these minutes.)

WILLIAM ROMINE represented the Montana Clerk and Recorders Association. He said he would not talk on the technical aspects of the bill. He said this group supports this legislation. Primarily what this bill intends to do is to attempt to have those who use the Clerk and Recorders office pay for those services. 1959 was the last time the fees were raised. Since that time the cost of paper, typewriters and everything else has gone out of sight. Because of inflation, we feel the fees should be increased to cover these additional costs. (Mr. Romine also submitted written testimony which is attached to and a copy of these minutes.)

LORRAINE MOLITOR, Madison County Clerk and Recorder, furnished a letter in support of HOUSE BILL 624, which is attached to and made a part of these minutes.

MIKE STEPHEN represented the Association of Counties. He said they support this bill. Many of us have a better idea of exactly what the County Clerks do in reviewing this, plus the increases of these fees are nominal and we support them.

HELEN KOVICH, Lewis and Clark County Clerk and Recorder, signed the witness sheet supporting HOUSE BILL 624.

CHAIRMAN BERTELSEN asked if there were other proponents. As there were none, he asked if there were any opponents to HOUSE BILL 624.

OPPONENTS TO HOUSE BILL 624 -- There were none so the chairman asked Rep. Williams to close.

REP. WILLIAMS: If there is any other information that the committee would like to have as you pursue the bill, I would certainly be glad to contact the people who can provide the information. I believe the witnesses have presented a very good analysis of why the increase in fees is necessary and why certain statutes now need amending and why others need deleting. I would recommend that the committee give serious consideration to HOUSE BILL 624 by giving a DO PASS recommendation.

QUESTIONS FROM THE COMMITTEE:

REP. DUSSAULT: Are there any circumstances where the county clerks are not elected officials?

CHAIRMAN BERTELSEN answered he didn't know of any.

REP. DUSSAULT: It is unfathomable to me that we make these people come to the Legislature to raise fees from 50 cents to 75 cents and from \$4 to \$6 and that they don't have the authority to do that. I can't believe this. My question is to any of the proponents: Would you be opposed to amending this bill and strike every reference to dollars and cents and simply give you the authority to charge whatever you feel you need to charge?

REP. KESSLER: You've been around here a long time and so have I and that might be the best way to kill the bill.

BILL ROMINE: If you do that, you will destroy the uniformity of filing fees. If I'm in Helena and wish to record a mortgage in Ekalaka, I'm going to want to know what that filing fee is. I think we do need uniformity in fees. These fees may not be high enough now but they are a step forward.

REP. HANNAH for Merrill Klundt: I am only speaking for Yellowstone County now. Has your department ever been self-supporting?

MR. KLUNDT: No, it isn't.

REP. HANNAH: Has it ever been?

MR. KLUNDT: I would say about two-thirds.

REP. HANNAH: Do you feel that by increasing the fees as in this bill you'll have an appreciable effect on that two-thirds?

MR. KLUNDT: Not basically. We felt that because of the cost of paper we were having a problem. The binders and indexes used to be \$500 to \$600 and now they are \$1,000. Reception books used to be \$250; the last two I got were \$1,200. This is our reason to offset some of those costs. We felt we were reasonable in the amounts we were asking for.

REP. HANNAH: How did you arrive at the figures you are asking for now?

MR. KLUNDT: I have been on a fee committee since 1964. Our Association got together and we put a tremendous effort into deleting obsolete language and coming up with a reasonable fee. This is the work of our Association, the Executive Board, Legislative Board and all of the County Clerks.

REP. HANNAH: One final question. When the county commissioners in Yellowstone County come in with a budget for your department, do they project what the income will be for you as a result of this and then do they offset whatever shows up on the shortage basis?

MR. KLUNDT: Yes, they try to push it higher than it is, but this past year it declined by about \$30,000.

REP. GOULD: When you said this brought in about two-thirds of the cost of your office, does your office have a central payroll that pays all the county employees? Is that part of your cost?

MR. KLUNDT: No, not out of my budget because my county doesn't do like your county did. They set up a central service so this is just a recording section.

REP. KITSELMAN: Why on page 4, line 15 is the rate raised from 50 cents to \$3?

MR. KLUNDT: This is for recording each stock subscription and contract, stock certificates, articles of incorporation for water users' associations. This we felt should be indexed under the certificate and articles we have in our department. Why they ever had a 50 cent fee when it should have been \$2 years ago, we'll never know. We probably won't get more than two or three in five years.

CHAIRMAN BERTELSEN closed the hearing on HOUSE BILL 624.

THE CHAIRMAN said we'd now hear House BILL 594.

HOUSE BILL 594 sponsor, Rep. Dan Kemmis, said this bill grows out of a problem that has arisen in District 94, but which he thinks is festering in some other districts, too. It is a difficult problem and I don't know if there are any easy solutions. Our district includes the University of Montana and also the surrounding residential neighborhood. The University of Montana owns a number of houses within the residential neighborhood. Some of them have been converted to offices and there is no problem with that. In some of the blocks the University owns just scattered houses. That is where the problem has arisen. On one of those blocks which is zoned by the city of Missoula as a single family residential area, the University has proposed, and some people say threatened, to convert the use of that building to office space. So you'll have a situation where you'll have a whole row of single family residences and suddenly you have an office. The individuals who own the family houses feel that this is an infringement of their rights under the zoning law. They have asked the University whether it would submit itself to at least a public hearing through a zoning variance procedure, and the University has said it is not subject to zoning and will not do that. The people have been left with no recourse and nothing but the most informal means of protesting what the University intends to do.

The purpose of House Bill 594 is to make it clear that in such a situation the government agency is in fact subject to zoning, but at the same time want to make it clear that when a government agency attempts to change zoning as they are doing in this instance, the benefit of the doubt will be given to the government agency. That is, the agency may raise a number of factors which are referred to here as public interest factors, but they are all factors that weigh on the side of the government agency. In considering a rezoning request, the zoning commission would have to consider the public benefit to be served by the intended use, in this case, the use by the University of a residence as an office building.

The bill also provides no zoning regulation would have the effect of excluding a government agency from any particular neighborhood. If it had that effect, then it would not have any effect at all, and the zoning regulations would not apply.

#### PROPOSERS FOR HOUSE BILL 594

ANDREW HORNICK of Missoula represented himself. He said he lives in a block that is directly affected by the University. Mr. Hornick supports this bill. (He submitted written testimony which is attached to and made a part of these minutes.)

DAVID WILCOX stated he is Assistant to the Mayor of Missoula and is speaking on behalf of the city of Missoula. I was also notified by the County Commissioners this afternoon that they would like me to tell the committee that they also unanimously support HOUSE BILL 594. Tradition has to a large degree held government immune to local zoning. The idea of immunity is based on a philosophy that intruding government represents the interests of the greater number of people. For example, it is presumed that functions of the State benefit all citizens of the State, not just those living in the community where the facility is located. I think this is probably correct. State legislation provides that the health, safety and welfare of the citizens of the State should certainly not be ignored by government. More recently, courts across the country have addressed the issue out of recognition that government enterprise can, in fact, have a severely negative impact on adjacent property, particularly residential property. We prefer not to rely on the future compelling interest of government bodies to cooperate without any direction from the state legislative bodies. We certainly welcome governmental usage, but we prefer to have them under a program of proper regulation and in the spirit of mutual cooperation.

#### PROPONENTS

I'm RUDYARD GOODE and I live directly south of the main part of the university in Missoula. My wife and I have been among those most severely affected by what has been past and what we think are potentially harmful uses of some University property located in our block. We learn, indirectly, of planned non-residential uses which are not reasonable nor compatible with the existing neighborhood. We support this legislation and hope it will pass.

THOMAS L. FINCH, President of the University Area Homeowners Association, said they do not see this bill as just an issue aimed at the University. This bill is also aimed to further the concept of equal protection and treatment under the law, whether the applicant is only an individual, a corporation, or an agency of government. We would all be treated alike. In the past, agencies of the government claimed to be exempt from local government. If they are in opposition now, they are simply in effect asking to be allowed to operate outside of law. Zoning regulations by government agencies are unfair and inequitable treatment of the people who support those agencies, which then in turn do harm to the people's investment in their homes and to the peace and tranquility of their home life. House Bill 594 by its own language is not a foolish attempt to exclude necessary government institutions from any zoning districts. It will simply require that the orderly process of obtaining a variance or requesting a re-zoning of an area will be followed. On behalf of our association, I ask your help that HOUSE BILL 594 be passed into law by giving it a DO PASS recommendation.

JOHN F. PATTERSON also represented the University Homeowners Association. I too speak in favor of this bill. Anything we can do to strengthen local zoning will have the effect which we want because it is important to keep up with the older areas. I would like to see this bill enacted.

OPPONENTS TO HOUSE BILL 594

WARD SHANAHAN of Helena said he is an attorney and his law firm represents the Northern Tier Pipeline Company. I am not here to oppose this bill but am merely appearing for the purpose of proposing an amendment. In the bill a pipeline company is granted the power of eminent domain in order to lay out its right-of-way across Montana. In the statute granting the power of eminent domain it is an agency charged with the public use to which it is granted. Therefore, under this bill it is an agency. Local zoning regulations are also county zoning regulations. The pipeline company does not have the power to run willy-nilly through Missoula or any other incorporated city in Montana. But it does have the power to go across any public road or street or lands outside the boundaries of any city or town. We propose to the sponsor an amendment to take care of rights-of-way easements and we believe that the following language would be acceptable. On page 1, line 17, after the word "agencies," add the following: "Except in the case of rights-of-way and easements," Thank you.

BEATE GALDA represented the Department of Highways. We are neither in opposition to nor for this bill. We would also like to support the amendment. There is no problem with local projects. We do apply for and receive local support in most urban projects. There are protections through the EIS statements, through public hearings for location and road designs and through the eminent domain proceedings. We feel that this additional veto power by local officials would not be necessary. The intent of the bill seems to be aimed at buildings, construction of buildings and other uses that are not highways. We support Mr. Shanahan's amendment.

ANDREW VanTEYLINGEN, and I'm the Facilities Planning Officer of the Montana University System. I'd like to read the University's position on this proposed legislation. (Mr. VanTeylingen submitted his written testimony which is made a part of these minutes.)

KEN HEIKES, said he is administrative vice president of Eastern Montana State College. There seems to be a lot of talk from Missoula but Billings also has the same problem. I've been at Eastern since 1966. In 1967, 1969 and 1971 the legislature appropriated money so that Eastern Montana College could acquire some land. The money was to be used to purchase additional property immediately surrounding the campus for educational purposes.

In 1972 we took the Board of Regents a proposal called the long-range building program and included a facilities acquisition schedule that indicated three areas surrounding the campus in which we should buy property. There are now 30 parcels. I have a question and I don't really understand what it means by the very last paragraph of the bill about land acquired under a long-range development plan. We were to acquire land under a long-range development plan if the plan that we started in 1972 qualifies.

CHAIRMAN BERTELSEN called for additional opponents. As there were none, he asked Rep. Kemmis to close.

REP. KEMMIS closed. First of all, it is a pleasure for me to concur in the amendment suggested by the Northern Tier Pipeline Company. I do think it is a workable amendment and takes care of the objections of the pipeline, and the Highway Department. I believe there is a problem which exists in Missoula, Billings and in Helena in areas around the capitol. It has been suggested that a bill like this would involve us in a conflict of sovereignties. I think in the final analysis there won't be any doubt about who is sovereign. The State has the power of eminent domain for these purposes. The power of eminent domain is in the background in all cases and I'd like you to keep that in mind. First of all, the people are the most sovereign of all and here we have some people who feel that they are sovereign on their land and yet they are told they cannot do certain things on it. At the same time a state agency moved into their block and with what appears to be an arrogant attitude tells them that they can do essentially what they please. That situation, I believe, should be resolved through a process of negotiation. That process of negotiation should include the state agency going to the zoning commission and asking for a change in the zoning in order to meet their requirements. With the provisions that we have written into this bill giving the benefit of the doubt to the state agency, then I think they have every possibility of getting that zoning variance. If that doesn't work, then the state agency does have the power of eminent domain and it can then in fact condemn the land for the purposes that it wants. That could be a final solution; it is there and this bill doesn't take it away. In Montana the exercise of power of eminent domain is not subject to zoning and it would not be changed by this law. I believe this law is a fair solution that leaves the ultimate power of sovereignty in the State but at the same time it subjects a state agency to having to at least make an effort to accommodate their plans to the interest of local residents.

QUESTIONS FROM COMMITTEE MEMBERS:

REP. HANNAH: Can you tell me what the logic of the thought is

that state agencies shouldn't have to comply with local zoning?

REP. KEMMIS: I suspect that the logic is that local governments are the creatures of the State and that the State is the ultimate master and therefore local government should be subject to the will of the State.

REP. SALES: We have the same problem with federal buildings. But the states are creatures of the federal government, and in the same sense the counties are creatures of the state.

REP. KEMMIS: That is correct. However, we are not in a position to impose local zoning regulations on the federal government.

REP. SALES: I wish you would explain the last paragraph.

REP. KEMMIS: It was added by the Legislative Council in an effort to draw a distinction between proprietary and non-proprietary uses of land. What it actually does is to say that if a state agency has acquired land having put forward an argument that it has a long-range plan, let's say that in the long run this is how it is going to be laid out, and then it does not follow that long-range plan but puts it to a different use and in fact then applies for a zoning change that would put it to a different use, then the benefit of the doubt criteria that are in subsection 2 would not apply since they aren't doing what they said they were going to do at the outset. That is the logic behind it.

REP. KESSLER for the gentleman from Missoula: Mr. Goode said he's written a number of letters to you or to somebody from the University making overtures to facilitate his problem or work it out and he stated you haven't responded to them.

MR. VANTEYLINGEN: I haven't seen the letters but tomorrow morning I'm going to look for them.

MR. GOODE said those letters were sent to every member of the Board of Regents, the Commission of Education and to the Governor.

REP. HANNAH: It bothers me to think that the state institutions do not bother to respond. Maybe they feel they can sandbag it until it gets to the legislature. I would also like to have some member from the University reply as to why they don't think they should subject themselves to local zoning?

MR. VANTEYLINGEN: First of all, it was the Attorney General's opinion that we asked for in 1975. He stated that state agencies are not subject to zoning regulations. There are specific reasons in our opinion why the various units of the University System should not be subject to zoning regulations. I'll take Missoula as an example. About four years ago Montana State University



established a school of nursing program on the campus of the University of Montana. All of our university units have not had as many new facilities built in the last few years as we desired. This is one of the reasons that Missoula has purchased as many houses as we have at the University of Montana and have housed programs in these residences other than single families. The School of Nursing occupies two houses. When you have the faculty split and inadequate space for the students to get together, it seemed logical to find a bigger place for them close to the campus. I spent considerable time in Missoula attempting to locate a structure close to the campus that would be big enough to house 15 nursing faculty and at one time from 30 to 40 students. I did locate two or three places which were older and big enough but with some remodeling and improvement they would have served the faculty and the students of the School of Nursing. I met with the people in the zoning office in Missoula and I also talked with the past president of the residents' association there and explained what we were trying to do. I was told very definitely that if we tried that we would find ourselves with problems and for that reason we backed off. The School of Nursing is still in two residences.

REP. VINGER: On line 11 where you see the word "agency," it spells out the meaning of the word. On line 17 it says the development and use of land held by an agency which would be our state land. Would that have to conform to local zoning?

REP. KEMMIS: I don't think you'd find any land that is subject to local zoning.

REP. HANNAH: Rep. Kemmis, if the state agencies were required to conform to zoning, what are the eminent domain possibilities? What kind of problems are we going to have under this kind of situation?

REP. KEMMIS: I think it is possible to exaggerate the problems. First, I think it is very important to keep in mind that in the case of Missoula, it would be the City of Missoula that would make the decisions about whether to grant variances for the university. It is important to recognize that in any situation like that that the city is overall a branch of the state agency. They want to have them there. You can see that all the time. The city likes to have the state agency there because of the revenue that it brings and all the rest of it. The possible problem of having a city choke off the growth of the university really doesn't exist. It is for that reason that I think that Eastern hasn't had any major problems. It won't have major problems; just minor problems.

REP. HANNAH: Mr. VanTeylingen, when you took over these systems for the university system and you put the nurses in there where

it requires remodeling, are government agencies free from all restrictions such as putting in conduit wiring, a certain number of bathrooms, etc.

MR. VanTEYLINGEN: Yes, but we have even tighter controls.

REP. HANNAH: Are they self-imposed?

MR. VanTEYLINGEN: No, they are imposed on us. We have two major uniform building codes. One is when we build or remodel something which is the uniform building code. That is administered by the State Department of Administration Code Division. Where we use an existing building, we are under the jurisdiction of the Department of Justice. The fire marshall enforces the fire code.

REP. DUSSAULT: REP. KEMMIS, what is the scope of the bill? I think that is a whole separate issue. My first question is relative to State lands or lands owned by state agencies. They would for all intents and purposes come under the scope of this bill. For example, those lands owned by Fish and Game.

REP. KEMMIS: Wherever there is a local zoning ordinance in effect. You have to realize that almost none of the open space in Montana is subject to local ordinances.

REP. DUSSAULT: Secondly, is the State of Montana considered an agency under this bill? Would the capitol complex be a state agency?

REP. KEMMIS: I believe the definition of agency as written here is broad enough to include the state government. It says, "or other entity of state or local government." I would feel safe in telling you that the State itself would not be included as an agency.

REP. DUSSAULT: The state has the right of eminent domain. But the University System does not have that right, does it?

REP. KEMMIS: As an agency of the State, I suspect that the University System does have the power of eminent domain.

REP. SALES: Is there any type of amendment that would make this palatable to the system, or do you see no hope in it?

ANSWER: I see no hope in it.

CHAIRMAN BERTELSEN asked for further questions. As there were no further questions, he closed the hearing on HOUSE BILL 594.

HOUSE BILL 622

SPONSOR, REP. TED NEUMAN said HB 622 is a very simple bill. It raises the permissive levy for county roads in the first, second and third class counties from 12 to 15 mills, and in the fourth, fifth, sixth and seventh class counties from 15 to 18 mills. The State of Montana has about 85,000 miles of roads and about 63,000 of these are rural roads. The rural roads are our arteries of commerce and what we use to get our farm products to market, what we use to run our school buses on, and also what the city people use to get some hunting and recreation. Inflation is eating into our ability to maintain and build these county roads. The study which I have shows that half of the rural roads in Montana are in fair to poor condition. Construction and maintenance costs of these county roads has risen at about 12 1/2 per cent per year for the last several years. Revenues and income that the county road department has to maintain and build new roads has remained static and the gas tax has declined. At the present time there are 31 counties with the maximum permissive mill levy. There are three counties that are within the emergency levy and seven other counties are within a mill of being at their maximum. That brings a total of 41 of the 56 remaining counties that are at the maximum mill levy.

The cost of machinery and maintenance has gone up dramatically in the last few years. Most counties have cut back on capital purchases of machinery and have tried to maintain and make do with the equipment they have. I think we should allow these counties to raise the permissive levy and get more funds into the road department because, if we cut back on capital purchases, in a few years we'll be in such a capital crunch that we'll wake up some morning and have all our equipment worn out. Then we'll have to inject huge amounts of capital into these county road departments to enable them to maintain and build roads. I feel this is a reasonable way to get the funds and I urge you to support the three mill increase for rural roads.

PROPOSERS FOR HOUSE BILL 622

MIKE STEPHEN, representing the Association of Counties, said they strongly support this bill. One of the things we like about it is that it is a permissive three mill levy so again it doesn't go to the maximum but permits the county to levy only what they need. Mr. Stephen passed out a sheet showing what a one mill road levy will bring in in some select counties. Again the road mill is levied only on county residents, so the value of the mill will be considerably less than the overall mill value for the county. You can build up the interstate system all you want, but you need the feeder system for the rural roads, or you won't be able to maintain them. The feeder systems depend on the county

road levy. One of the overwhelming problems as far as county roads are concerned is the lack of federal monies and state matching monies which go into the system. Our only alternative for the upkeep of our roads is to tax ourselves and that certainly is something that is a last resort. We, therefore, urge your support of HB 622.

ED McCAFFREE, from Forsyth, represented the Montana Association of Counties, of which he is first vice president. He asked to rise in support of HB 622. Due to the increase in the cost of machinery and equipment, the counties do need increased funds to operate and properly maintain the county roads. Counties are being forced to buy gravel which they did not have to do in the past. Cattle guards have gone up tremendously, as well as many other items such as liability and labor. An inch and a half of grading and oil-plant mix costs from \$25,000 to \$35,000 a mile. An inch and a half of asphalt overlay with seal and chip goes from \$30,000 to \$45,000 a mile. We urge your support of HB 622.

The chairman called for further proponents and there were none. He then called for opponents, and there were none. He then asked Rep. Neuman if he'd like to close.

REP. NEUMAN closed.

#### QUESTIONS FROM COMMITTEE MEMBERS:

REP. SALES for Mike Stephen: Why is it that we worked so hard so long to get some local options for taxes, and when we finally get one the counties won't use it? I'm speaking of the gas tax, which I consider is a much more honest way of paying for maintenance than property tax.

Mike Stephen said he thinks the problem is the implementation. A vote of the people is necessary in getting into this and it is hard to get them to tax themselves.

CHAIRMAN BERTELSEN closed the hearing on House Bill 622.

#### HOUSE BILL 643

CHAIRMAN BERTELSEN opened the hearing on HOUSE BILL 643 by calling on the sponsor, Rep. Matsko, to introduce it.

REP. MATSKO said this bill is a repealer. It repeals a section of law that limits the sheriff to hiring one undersheriff and six deputies in first, second and third class counties; an undersheriff and two deputies in fourth class counties; and a sheriff and one deputy in fifth, sixth and seventh class counties. The reason we are trying to repeal this is because it is a bill which was enacted

in about 1905 when there was no population and no problem in the State to worry about. Now we have quite an increase in population in each county and it would be totally impossible for any sheriff in the State of Montana in any first or second class county to operate with six people. He would not be able to perform any of the duties he is required to law to perform, other than maybe taking care of the jail. It is an outdated and unneeded section of the law and we should repeal it.

PROPOSERS FOR HOUSE BILL 643

CHUCK O'REILLY, Sheriff of Lewis and Clark County, and a member of the Montana Peace Officers' Association, said perhaps it is true that you saved the best for last. I am somewhat hesitant to bring this up because of Rep. Dussault's comments on the Clerk and Records bill. The law hasn't been used since probably the 1930s or perhaps earlier. If I had to run my department in Lewis and Clark County and service 43,000 plus people with six deputies, I'd throw in with you and seek another career, because it would be literally impossible to do the job. The State of Montana ran a computer printout on the duties and functions of the sheriff in the State of Montana and there are 737 references in over 375 statutes of the duties that we have to perform. This is one of the outstanding laws that jumps out at you as far as being innocuous and ludicrous. It isn't workable, hasn't been workable and we'd like to see it off the books. We urge your support for HOUSE BILL 643.

CHAIRMAN BERTELSEN called for further proponents and there were none. He then called for opponents and there were none, so he asked REP. MATSKO to close.

REP. MATSKO closed by stating that if this passes, the sheriff will then have to justify his manpower budget with the county commissioners, which is being done now. This law is being totally overlooked and there is no basis for it to remain on the books.

QUESTIONS FROM COMMITTEE MEMBERS:

REP. AZZARA asked Sheriff O'Reilly how many deputies he has.

SHERIFF O'REILLY: 26.

REP. AZZARA: Do you seriously feel that there should be no limit assuming that a small limit has been placed in proportion to some small populations. Is the principle of limits such an important thing?

SHERIFF O'REILLY: I think we have a very definite principle of limit based on the voters. By going through the County Commissioners we do have to justify our reasons for needing the number of deputies which we hire.

The chairman closed the hearing on HOUSE BILL 643.

REP. GOULD moved that HB 643 DO PASS.

The chairman asked if the group was ready for the question.

QUESTION: All in favor of DO PASS for HOUSE BILL 643 say "aye."  
Motion carried by a unanimous vote.

REP. MATSKO then moved that HB 643 be placed on the consent calendar.

QUESTION: All in favor signify by "aye." Motion carried but Rep. McBride said she didn't think it should be put on the consent calendar. Since a unanimous vote is required for this, the consent calendar motion failed.

#### EXECUTIVE SESSION:

CHAIRMAN BERTELSEN referred the committee again to HOUSE BILL 57.

REP. AZZARA said the amendments to HOUSE BILL 57 were put in at the request of Montana Power. He said he feels they do have a legitimate concern of taxation on their utility property so he recommends that on page 3, line 4 following "purposes" the following should be inserted: ", or public utility electric generating plants and their associated facilities"

REP. AZZARA moved this amendment.

QUESTION ON THE AMENDMENT: All committee members voted aye and the amendment passed.

REP. AZZARA moved that HOUSE BILL 57 DO PASS AS AMENDED.

REP. WALDRON: I have a note that this affects the county.

REP. SALES: This does affect the road fund. Every time you take a piece of property out of the county and put it into the city, the county loses money, as the road fund is only levied in the rural area.

REP. AZZARA said we're not talking about huge sums of money. He feels it is unfair to bring up questions like this at this time.

REP. SALES: This is exactly the reason they were here asking for a three mill levy.

REP. WALDRON: When the city assumes or annexes an area, they then become responsible for the roads and streets in that area. I would think it relieves the county of that responsibility.

REP. SALES: The decrease in taxable valuation to the counties has been very dramatic in the last several years. A portion of it has been due to annexation. When you start talking about annexing a huge plant, you are really taking a big bite out of the road money that is available to that county for the county road system which serves that plant whether it is inside the city or outside the city.

After further discussion, the chairman asked if the group was ready for the question of DO PASS AS AMENDED for HOUSE BILL 57.

QUESTION WAS CALLED: All in favor of DO PASS AS AMENDED signify by saying "aye." A roll call vote was taken and of the 15 committee members present, 9 voted "aye" and six voted "no." Motion for DO PASS AS AMENDED carried. The committee members voting no were Reps. Bertelsen, Vinger, Gould, Kitselman, Sales and Switzer.

CHAIRMAN BERTELSEN announced HOUSE BILL 179 would be considered.

REP. HANNAH said that for the sake of discussion, he'd move a DO NOT PASS on HB 179.

Rep. Hannah read a recommendation he received this afternoon from the legislative fiscal analyst in regard to the Department of Health and Environmental Sciences. It is specifically in relationship to the agency that was here earlier looking for increases. He read from the report: "Corresponding to the work load, revenues have also decreased. Revenue is estimated to be \$199,761 and is not sufficient to maintain the staff of six." According to the Bureau, legislation will be introduced to raise the revenue fee to \$40 a lot which is House Bill 179. The report goes on to say, "Because the workload and revenue dropped substantially and the bureau is currently operating with only six fulltime equivalents, we recommend that the administrative overhead for this program be reduced by combining this program with the Water Quality Bureau where it was originated. The recommendation includes three of the four current technical positions, one of the two current clerical staff and eliminates the Bureau Chief, or a total of four fulltime equivalents. The recommended operating expenses are reduced by one third which corresponds with the reduction in the fulltime equivalents."

REP. HANNAH said perhaps the reason behind this is that regardless of the mail we received from local county sanitarians stating they like this outfit, this is a classic example of duplicating government, because the sole purpose of this agency is to approve work that is done at the county level. This is an unnecessary government agency and I think we should follow the recommendations of the fiscal analyst and not allow that to happen. If we were to pass this bill, I think we'd be extending the life of the agency in supporting a bureaucratic agency that isn't necessary.

REP. WALDRON: I happen to be on the subcommittee dealing with the Department of Health and I don't know if we should be making decisions for that subcommittee. We have not gone into this portion of the budget yet and we haven't made any decision as to whether or not it would be appropriate to place that in the Water Quality Bureau.

REP. HANNAH: I think it would be foolish for us to pass this bill giving them an increase in fees before the Appropriation Committee has a chance to look at it.

REP. WALDRON: That bill will not be put together until the end of the first week of March and will be after the transmittal deadline before the final bill is put together.

REP. McBRIDE: The way I understand it is you are providing additional funding for the local Health Departments who are the ones really hurting. I understand about three-fourths of increased fees goes to the local Health Department and they are the ones doing the work and suffering. I think before taking action on this bill, we should clearly understand who the added funds will help.

REP. AZZARA asked Rep. Hannah the following: Rep. Waldron raised a critical point here which is if we kill this bill now we may lose the capacity to deal with the situation later. If there is sheer duplication and a case can be made to that effect, there is no doubt that the people will not support the bill. I certainly won't, and I'm very interested in making sure that subdivisions are properly reviewed. If we don't review subdivisions well before they are approved, we pay for that later on in different ways. I think if anything, we should table this, but I personally feel a DO PASS is more in order.

REP. SALES to Rep. Hannah: I agree with you that the \$15 the state gets is adequate to perform the services they are performing. However, the \$10 that the sanitarians are getting at the



local level is not enough to perform the job they are doing. Would you consider amending this so the State level stays at the \$15 they presently get or even consider lowering that and giving the extra \$10 to the local sanitarians?

REP. HANNAH: No, I wouldn't. I think this is a sidestep on the part of this particular agency. They know that the appropriation bill won't come out until after transmittal date. What they are doing here is trying to get legislative approval without going through the appropriation fund. If we were to leave it at \$25 and take that \$25 and remit it to the counties, that is fine but I'm 100% opposed to increasing the fee so that we can rebate more to more people.

REP. WALDRON: As I recall, we do have to appropriate money for this Bureau based on our projections on fees. We've tried to increase those fees every time because there is a problem which ends up being at the local level where the work is actually done. I think if we're going to address the problem, then Rep. Sales has a valid point that those local health departments are not being paid adequately for the work they are doing. The work being done is mandated by state law.

REP. HANNAH: I don't have any problems if we give more money to local counties. I agree with that, but I don't think this legislation is the way to reach it. I think what this does is line the pocket of the Bureau which in my opinion is not necessary.

REP. McBRIDE: What mechanism would you propose to help the local health department?

REP. HANNAH: If the local governments are bound by statutes as to what they can charge for these fees, then it would seem to me that the proper legislation would be like some of the legislation we saw tonight which was an attempt to allow them to increase the fees on the local level.

REP. AZZARA: As I recall, the functions performed by the State Health Department are mandated by State law. What they've done, in glancing through this bill, is delegated authority to the local governments. This bill outlines how much the local government can charge when they delegate that authority. That is my understanding.

REP. HANNAH: There is a proviso that says "when the local government has qualified personnel for adequately doing the job." When it doesn't, "the job is done by the State."

REP. WALDRON: I wasn't here for the hearing. If it was earlier I'd get the Fiscal Analyst in here and ask him to straighten out the matter.

REP. BERTELSEN said he has a problem. If we kill this bill, we take away from the Senate the opportunity to reduce or adjust it, if they find there is a practical reason to keep something going. And yet I don't like to pass legislation that I'm not entirely happy with.

REP. SALES: Could we have somebody research to see if there are any counties that don't have the sanitarians?

ANSWER: No committee members knew the answer.

REP. HANNAH: The fees, according to this report, were initially put at \$15 per lot in 1975. They were increased to \$25 a lot in 1979. Now we have a bill asking for \$40 per lot in 1981. To me it is fairly obvious that we have progression here.

ANSWER: We have a progression of inflation, as well as of subdivision.

REP. HANNAH: That is not true. According to Mr. Casne's material which he gave us at the hearing, the number of lots created has dropped from a high of 15,650 lots in 1978 to 8,139 lots in 1981.

REP. AZZARA: Creation of lots has nothing to do with the construction of real property.

REP. HANNAH: The creation of lots is what we are dealing with here. Once the lots are created, then people may subdivide.

REP. KESSLER: I think that Rep. Hannah is right. The testimony said there was a drop in it but they stated this is only temporary. As economic conditions change and interest rates come down, they anticipate an increase again.

REP. MATSKO: It was a temporary drop, but that was also one of the reasons why they felt the increase was needed because the revenues they anticipated were not forthcoming with the decrease in the number of subdivisions. If this is a temporary thing and they can weather the storm, will they need it when the situation turns around?

REP. SALES: They said they were running on a prior surplus and are now running out of funds.

REP. HANNAH: If there is a mechanism by which the state government can handle all its major subdivisions that the local government had trouble with, and if the state government can handle the areas that do not have county sanitarians to cover this, I don't see any reason to continue with the agency we have, but that isn't the decision before us. The decision is whether or not we increase the fees. According to the testimony I've seen, there is absolutely no reason to increase the fees. I see no reason to hold this bill and I move that HOUSE BILL 179 DO NOT PASS.

CHAIRMAN BERTELSEN asked if the group was ready for the question.

QUESTION: DO NOT PASS on HOUSE BILL 179. According to a roll call vote, 4 voted yes; 11 voted no. Motion failed.

REP. WALDRON said he hates to hold up the process, but I ask that you defer action until the next executive session as I'd like to talk to my fiscal analyst and see if we can work this out.

REP. WALDRON moved that we defer action on HB 179 until the next executive session.

THE CHAIRMAN agreed to the request.

CHAIRMAN BERTELSEN said he'd like to consider a couple more bills before adjourning. We'll consider HOUSE BILL 228.

REP. SALES, sponsor of House Bills 228 and 229 deal with SIDs and the other with RIDs. They both deal with the same problem; whether or not you believe that the general property tax payers in the entire district should be liable for both principal and interest on those improvement district bonds. If you are happy with that situation and you think that all the property owners in the county should be saddled with the responsibility of making good on those improvement district bonds, then you should kill this bill. The same thing goes in the city on the special improvement districts. There is a Senate bill which deals with the SIDs. It establishes some front-end money at the time the bonds are sold. They can include an extra 5% which is held in the revolving account so there is that cushion and always money on hand to pay the bonds and interest when they come due. It does not take care of the problem of a district that fails. I do think it is important that in cities you are usually talking about districts that are fairly well developed and there is usually value there that is more apt to sustain the issuance of the bonds. I do not think the problem is as great in cities as it is in rural areas.

On the rural improvement district bonds, I think we're getting into a really bad situation because here is where we start dealing with much more speculative property. We start dealing with recreational properties. Any improvement district should stand on its own two feet. Bonds should be sold on that basis, whether in the city or in the county.

REP. SALES moved that HOUSE BILL 228 DO PASS.

REP. KESSLER said he agrees on the high speculation problem of the bonds. I don't believe it should be the responsibility of all the people of the county to back a high speculation of a bond issue. The question I have is whether or not this solves the problem.

REP. AZZARA: Wasn't the testimony that if this passes, you just couldn't get the bonds?

REP. SALES: Yes, that was the testimony from D.A. Davidson & Co. There is no way of knowing whether that is true or not. If that is true, then certainly it is true that every district is not able to stand on its own two feet.

REP. HANNAH: Can you tell me what they do in Colorado and other states that don't have these things? Do they sell bonds?

REP. SALES: Most of them have a sinking fund which we have to take care of by having some money in reserve to make sure that the bond payments and interest payments are timely. I don't know of any that have the 100% guarantee that we have in Montana.

CHAIRMAN BERTELSEN asked if the group was ready for the question.

QUESTION: DO PASS on HOUSE BILL 228. A roll call vote was 4 voting yes; 11 voting no, on the DO PASS. Motion failed and HOUSE BILL 228 received a DO NOT PASS recommendation. Those voting for passage of the bill were Reps. Neuman, Sales, Switzer, and Waldron.

#### HOUSE BILL 229

REP. SALES moved that HB 229 DO PASS.

QUESTION: The chairman asked for a roll call vote on DO PASS. The roll call vote was six voted yes; 8 voted no. Motion failed.

MINUTES OF THE MEETING OF THE COMMITTEE ON  
LOCAL GOVERNMENT  
February 10, 1981

Page 21

Those voting against the bill included Reps. Bertelsen, Dussault, Hannah, Kessler, Kitselman, Matsko, McBride and Waldron. HOUSE BILL 229 received a DO NOT PASS recommendation.

The meeting adjourned at 10:15 p.m.

  
\_\_\_\_\_  
Verner L. Bertelsen, Chairman

hbm

# VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

Tues. Feb. 10

Date \_\_\_\_\_ 7:30 pm

BILL HOUSE BILL 622

SPONSOR Rep. Neuman

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

*423 6-2-2 From Mike Stipan*

VALUE OF ONE ROAD MILL

Missoula	\$78,442.06
Lewis and Clark	23,633.00
Yellowstone	83,171.77
Gallatin	32,058.23
Custer	10,081.00
Roosevelt	21,601.33
Cascade	33,425.44
Meagher	5,447.96
Musselshell	3,345.13

# VISITORS' REGISTER

HOUSE      LOCAL GOVERNMENT      COMMITTEE

PILL HOUSE BILL 624

Date Tues., Feb. 10

SPONSOR Rep. Williams

7:30 pm

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



NAME: William L. Paine DATE: 2-10-81ADDRESS: P.O. Box 1691 HelenaPHONE: 442-2220REPRESENTING WHOM? Mont. Clerk & Recorder's Assoc.APPEARING ON WHICH PROPOSAL: H.B. 624DO YOU: SUPPORT? X AMEND?        OPPOSE?       COMMENTS: the general fees for filings & Recordings in the Clerkand Recorder's office have not been raised for many years.Costs have increased greatly over the years. The result is thatthose who use the clerk's office are not paying their way.Under this bill, that problem will be rectified. Although no particular<sup>increase</sup> is really very large, the overall effect will put the clerk'soffice on a more paying basis.

# County of Yellowstone

MERRILL H. KLUNDT  
Clerk & Recorder



BILLINGS, MONTANA  
59101

February 10, 1981

J. Melvin Williams  
Representative House District #70  
State Capitol  
Helena, Montana 59601

Dear Mel Williams and Committee Members:

House Bill #624 is a bill for an act to increase the fees charged by the County Clerks & Recorders for recording, filing and copying services. Also removing provisions that are outdated: Amending Sections 7-4-2631 and 7-4-2632, MCA and repealing 7-4-2633, MCA.

The Sections under 7-4-2631, subsection a, b, Lines 14 through 25, page 1, Lines 1 and 2, page 2, should be repealed as this was in the days when recording was done by typing. Currently there is no county under the old system, they are either done by photostate or by micro film systems.

Subsection b iii, Lines 3 and 4, page 2 should be repealed as this section is now under G ii, page 3, Line 11 of this bill.

✓ Line number 7 of page 2, the words "or Notice of Appropriation of Water" should be deleted as the statutes have changed and are under Section 85-2-236, which states: Certificate of Water right, after recordation, the Clerk & Recorder shall send the certificate to the person to whom the right is decreed. The fee then is based under the provisions of 7-4-2632 of page 5 of this bill.

Section I, Lines 20 through 22 portions are stricken, but the question has risen that Certificates of Fictitious Name are now filed with the Secretary of State. This is true, however, some still demand that we place them on file at the county level; therefore we left this portion in.

Section (e) is providing a flat fee of \$5.00 for each plat plus cost per lot.

Section (f) is the provision charging \$5.00 per Certificate of Survey plus 50¢ per lot or tract. This makes the fee uniform for subdivision plats and Certificates of Surveys.

Section G(i) deletes the old language of folio to page and a fee of 50¢ per page. This is the fee most are charging now and is the fee charged for copies under the Uniform Commercial Code under Section 30-9-407, subsection 2, MCA.

Section (h) increasing fees from 30¢ to 50¢ per index per year. Lines 14 through 17 should be repealed.

With the advent of microfilm, it is impossible to allow a marginal release of a mortgage, lien or other instrument. Senate Bill #171 has passed the Senate and is repealing the marginal release of a real estate mortgage under Section 71-1-211, MCA.

Section (m), lines 22 through 25, page 3, should be repealed as stated. Section 70-21-207 just designates that letters of patent and other federal and state documents may be recorded without acknowledgments.

A recording charge for a patent from the federal government to other individuals is not exempt from charges. This section is outdated.

Section K, lines 1 through 9, page 4, is a new section and this relates to multiple indexing of a single document. (See attached documents.)


Old Section (p), lines 16 and 17, page 4, should be repealed as these districts are created by the Board of County Commissioners and are on file with the Clerk in the County Commissioner proceedings. This is similar to the creating of Rural Special Improvement Districts and they are not recorded in this fashion. Why duplicate and record in Clerk & Records office twice.

Section 2, lines 24 and 25, page 4, and lines 1 and 2, page 5, is to clarify the present language.

Section 7-4-2632 is increasing the recording fees from \$2.00 to \$3.00 and clarifying the language in line 8 as stated. There is a big difference between filing and recording a document. A filed document is retained in the Clerk & Records office indefinitely. A recorded document is returned to the party designated at the time of recording. The recording fees have not been increased since 1959.

Section 7-4-2633 to be repealed. This is relating to the fee for comparison of papers and certification.

In behalf of the County Clerk & Records Association and myself, we would appreciate your support in passing this worthwhile legislation.

Yours truly  
  
MERRILL H. KLUNDT  
Vice Chairman  
Legislative Committee of Montana  
Clerk & Records Association

Montana Association  
of  
County Clerks & Recordors



TO: THE HONORABLE MEMBERS OF THE 47TH. LEGISLATURE, COMMITTEE ON LOCAL GOVERNMENT, GEORGE MC CALLUM, CHAIRMAN, JESSEE O'HARA VICE CHAIRMAN, MAX CONOVER, DONALD OCHSNER, PETE STORY, BILL THOMAS AND FRED VAN VALKENBURG, MEMBERS.

FROM: LORRAINE P. MOLITOR, MADISON COUNTY RECORDER AND PRESIDENT OF THE MONTANA ASSOCIATION OF COUNTY CLERK AND RECORDERS

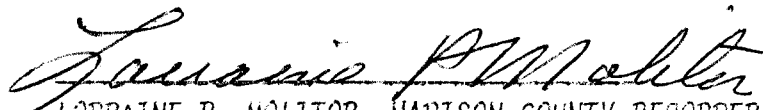
RE: HOUSE BILL NO. 624

Fees of county clerk and recorders for filing, recording, indexing, making searches of records and for the many other duties performed have not been increased for many years. We support the passage of House Bill No. 624 for the following reasons:

1. Costs for replacing equipment such as typewriters, copy machines, microfilming equipment and supplies have at least tripled over the past ten years. Costs for maintenance agreements, insurance, freight and mailing have risen dramatically.
2. Duties such as recording, filing, indexing and researching of records are all meticulous and time consuming. Salaries of clerks and deputies have risen, so man-hour costs have also increased.
3. Increasing demands are made upon us to supply copies to large oil and gas companies, mining corporations, and even by state and federal agencies to supply copies and information. Though we are not profit making agencies, we must be reimbursed for the actual costs of supplies and replacements. This is not being done at the present time. These costs should be born by the individuals receiving the services and not by the taxpayers as a whole.

We ardently seek your support for House Bill No. 624 and we hope that you will find it worthy of your support. Please recommend passage to the other members of the 47th. legislature.

Respectfully submitted

  
LORRAINE P. MOLITOR, MADISON COUNTY RECORDER

Sec. 1, Ch. 9, L. 1959; amd. Sec. 11-115, Ch. 264, L. 1963; amd. Sec. 73, Ch. 348, L. 1974; amd. Sec. 32, Ch. 213, L. 1975; R.C.M. 1947, 25-231(8).

**7-4-2633. Fee for comparison of papers.** In all cases where copies of a record or paper are to be certified by the county clerk and the copy is furnished to the clerk for certification, the clerk shall not charge a fee for the comparison of the copy other than the fee of \$1 for his certificate and seal.

History: En. Sec. 4635, Pol. C. 1895; re-en. Sec. 3168, Rev. C. 1907; amd. Sec. 1, Ch. 117, L. 1911; re-en. Sec. 4917, R.C.M. 1921; re-en. Sec. 4917, R.C.M. 1935; amd. Sec. 1, Ch. 87, L. 1941; amd. Sec. 1, Ch. 90, L. 1953; amd. Sec. 1, Ch. 202, L. 1955; amd. Sec. 2, Ch. 148, L. 1957; amd. Sec. 1, Ch. 9, L. 1959; amd. Sec. 11-115, Ch. 264, L. 1963; amd. Sec. 73, Ch. 348, L. 1974; amd. Sec. 32, Ch. 213, L. 1975; R.C.M. 1947, 25-231(part).

**7-4-2634. Fees to be noted on recorded documents.** On each instrument delivered to him for recording, the county clerk shall endorse on it all charges made for each service, and the endorsement shall be recorded as a part of the instrument in his office in order that the department of community affairs may verify the charges and may see that they have been properly entered on the fee book or reception record in the county clerk's office.

History: En. Sec. 4635, Pol. C. 1895; re-en. Sec. 3168, Rev. C. 1907; amd. Sec. 1, Ch. 117, L. 1911; re-en. Sec. 4917, R.C.M. 1921; re-en. Sec. 4917, R.C.M. 1935; amd. Sec. 1, Ch. 87, L. 1941; amd. Sec. 1, Ch. 90, L. 1953; amd. Sec. 1, Ch. 202, L. 1955; amd. Sec. 2, Ch. 148, L. 1957; amd. Sec. 1, Ch. 9, L. 1959; amd. Sec. 11-115, Ch. 264, L. 1963; amd. Sec. 73, Ch. 348, L. 1974; amd. Sec. 32, Ch. 213, L. 1975; R.C.M. 1947, 25-231(17).

## Part 27

### Office of County Attorney

**7-4-2701. Qualifications for county attorney in certain counties.** No person is eligible for the position of county attorney in counties which have a population in excess of 30,000 unless he is a citizen of the United States who has resided in the state 2 years immediately before taking office and has been admitted to the practice of law for at least 5 years prior to the date of election or appointment.

History: En. 16-3107 by Sec. 2, Ch. 102; L. 1975; R.C.M. 1947, 16-3107.

**7-4-2702. Procedure to fill vacancy in office of county attorney.** (1) Whenever a vacancy in the office of county attorney shall arise in any county and there is no licensed attorney residing in said county who is eligible to be appointed to fill said vacancy, the board of county commissioners is authorized and has the power to employ special counsel from without the county, who shall be designated and officially known as the "acting county attorney" and who during said employment shall be vested with all the powers and shall perform all the duties of the county attorney, including the filing of all complaints, informations, and/or other proceedings for and in which the county or state may be a party and the prosecution and defense of the same to the same extent and with the same force and effect as if he were the regular qualified county attorney. Said attorney shall be paid a monthly compensation not to exceed the monthly salary of the county attorney. Whenever any such attorney is employed, the county clerk of said

- (ii) for each additional mining claim included in it, 50 cents;
- (e) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$1;
- (f) for filing and indexing each certificate of incorporation or annual statement of a corporation, \$2;
- (g) for recording and platting each townsite or map:
  - (i) for each lot up to and including 100, 50 cents;
  - (ii) for each additional lot in excess of 100, 10 cents;
  - (iii) for recording the field notes of survey of a townsite, 50 cents per folio;
- (h) for a copy of a record or paper:
  - (i) for each folio, 30 cents; and
  - (ii) for each certification with seal affixed, \$1;
- (i) for searching an index record of files of the office for each year when required in abstracting or otherwise, 30 cents;
- (j) for each entry of discharge or satisfaction of a mortgage, lien, or other instrument on the margin of record of it or upon the original instrument and noting the entry in the indexes concerned, 50 cents;
- (k) for administering an oath with certificate and seal, no charge;
- (l) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;
- (m) for recording and indexing an instrument which may be recorded under 70-21-207 and which pertains to land allotted to an Indian or land within an Indian reservation, except fee patents, no charge;
- (n) for filing, indexing, or other services provided for by 30-9-401 through 30-9-407, the fees prescribed in those sections;
- (o) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, 50 cents;
- (p) for filing an order creating a television district pursuant to 7-13-2509, \$3;
- (q) for filing, recording, or indexing any other instrument not expressly provided for in this section, 7-4-2632, or 7-4-2633, the same fee provided in this section, 7-4-2632, or 7-4-2633 for a similar service;
- (r) for each copy of a birth certificate or a death certificate, \$2.

(2) State agencies submitting documents for recording shall pay the recording fees provided for in this section. These fees may be paid by a state agency on a monthly basis.

History: (1) thru (14), (17) En. Sec. 4635, Pol. C. 1895; re-en. Sec. 3168, Rev. C. 1907; amd. Sec. 1, Ch. 117, L. 1911; re-en. Sec. 4917, R.C.M. 1921; re-en. Sec. 4917, R.C.M. 1935; amd. Sec. 1, Ch. 87, L. 1941; amd. Sec. 1, Ch. 90, L. 1953; amd. Sec. 1, Ch. 202, L. 1955; amd. Sec. 2, Ch. 148, L. 1957; amd. Sec. 1, Ch. 9, L. 1959; amd. Sec. 11-115, Ch. 264, L. 1963; amd. Sec. 73, Ch. 348, L. 1974; amd. Sec. 32, Ch. 213, L. 1975; Sec. 25-231, R.C.M. 1947; (15) En. Sec. 1, Ch. 68, L. 1909; re-en. Sec. 4467, R.C.M. 1921; re-en. Sec. 4467, R.C.M. 1935; Sec. 16-1101, R.C.M. 1947; (16) En. Sec. 8, Ch. 198, L. 1961; Sec. 70-415, R.C.M. 1947; R.C.M. 1947, 16-1101(part), 25-231(part), 70-415(part); amd. Sec. 1, Ch. 487, L. 1979.

**7-4-2632. Fee when recording done by mechanical means.** Where recording is done by photographic or similar process, the county clerk and recorder shall charge \$2 for each page or fraction of a page of the instrument for filing and indexing.

History: En. Sec. 4635, Pol. C. 1895; re-en. Sec. 3168, Rev. C. 1907; amd. Sec. 1, Ch. 117, L. 1911; re-en. Sec. 4917, R.C.M. 1921; re-en. Sec. 4917, R.C.M. 1935; amd. Sec. 1, Ch. 87, L. 1941; amd. Sec. 1, Ch. 90, L. 1953; amd. Sec. 1, Ch. 202, L. 1955; amd. Sec. 2, Ch. 148, L. 1957; amd.

arrange the books of record and indexes in his office in such suitable places as to facilitate their inspection.

History: En. Sec. 4423, Pol. C. 1895; re-en. Sec. 3044, Rev. C. 1907; re-en. Sec. 4810, R.C.M. 1921; Cal. Pol. C. Sec. 4246; re-en. Sec. 4810, R.C.M. 1935; R.C.M. 1947, 16-2916.

**7-4-2623. Liability of clerk relating to duties as recorder.** A county clerk is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby and is punishable as provided in this code if the county clerk, as ex officio recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may be recorded by law is delivered for record:

- (1) neglects or refuses to record such instrument, paper, or notice within reasonable time after receiving the same;
- (2) records any instruments, papers, or notices untruly or in any other manner than as hereinbefore directed;
- (3) neglects or refuses to keep in his office such indexes as are required by this part or to make the proper entries therein;
- (4) neglects or refuses to make the searches and to give the certificates required by this part or if such searches or certificates are incomplete or defective when such incompleteness or defect is due to his direct responsibility particularly affecting the property in respect to which it is requested;
- (5) alters, changes, or obliterates any records deposited in his office or inserts any new matter therein.

History: En. Sec. 4421, Pol. C. 1895; re-en. Sec. 3042, Rev. C. 1907; re-en. Sec. 4808, R.C.M. 1921; Cal. Pol. C. Sec. 4244; re-en. Sec. 4808, R.C.M. 1935; R.C.M. 1947, 16-2914.

**7-4-2624 through 7-4-2630 reserved.**

**7-4-2631. Fees of county clerk.** (1) The county clerks must charge, for the use of their respective counties:

(a) for recording and indexing a written instrument allowed by law to be recorded, except as otherwise provided in 7-4-2632 and 7-4-2633:

- (i) (A) for the first folio, 60 cents; and
- (B) for each subsequent folio or fraction of one, 30 cents;
- (ii) for each entry in index, 20 cents;
- (iii) for a certificate that an instrument has been recorded with seal affixed, \$1;

(b) for recording and indexing each real estate mortgage or an assignment, renewal, or release of a real estate mortgage:

- (i) for each folio, 40 cents;
- (ii) for each entry in index, 20 cents;
- (iii) for a certificate that the mortgage, assignment, or release has been recorded with seal affixed, \$1;

(c) for recording and indexing each certificate of location of a quartz or placer mining claim, millsite claim, or notice of appropriation of water, including a certificate that the instrument has been recorded with seal affixed, \$4;

(d) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

- (i) for the first mining claim in the affidavit, \$2; and

**85-2-236. Certificate of water right.** When a final decree is entered, the water judge shall send a copy to the department. The department shall on the basis of the final decree issue a certificate of water right to each person decreed an existing right. The original of the certificate shall be sent to the county clerk and recorder of the county where the point of diversion or place of use is located for recordation. The department shall keep a copy of the certificate in its office in Helena. After recordation, the clerk and recorder shall send the certificate to the person to whom the right is decreed.

History: En. Sec. 26, Ch. 697, L. 1979.

#### **85-2-237 through 85-2-240 reserved.**

**85-2-241. Water right adjudication account.** There is established a water right adjudication account in the earmarked revenue fund of the state treasury. All fees collected under this section and 85-2-232 shall be deposited in the account to pay the expenses incurred by the state for administering this part, part 7, and Title 3, chapter 7.

History: En. Sec. 18, Ch. 697, L. 1979.

**85-2-242. Expenses to be borne by state.** All expenses incurred by the state as a result of this part, part 7, and Title 3, chapter 7, are to be paid from the water right adjudication account in the earmarked revenue fund established in 85-2-241. Expenses include but are not limited to the salaries and expenses of personnel, equipment, office space, and other necessities incurred in administering this part, part 7, and Title 3, chapter 7. If sufficient revenue is not available from the earmarked revenue fund, the expense shall be paid from the state's general fund.

History: En. Sec. 19, Ch. 697, L. 1979.

**85-2-243. Department assistance to water judges.** The department, subject to the direction of the water judge, shall, without cost to the judicial districts wholly or partly within his water division:

- (1) provide such information and assistance as may be required by the water judge to adjudicate claims of existing rights;
- (2) establish information and assistance programs to aid claimants in the filing of claims for existing rights required by 85-2-221;
- (3) conduct field investigations of claims that the water judge in consultation with the department determines warrant investigation; and
- (4) provide the water judge with all information in its possession bearing upon existing rights, including all declarations filed with and all information gathered by the department with respect to existing rights in the Powder River Basin.

History: En. Sec. 21, Ch. 697, L. 1979.

appropriate water for a beneficial use. A right to appropriate water may not be acquired by any other method, including by adverse use, adverse possession, prescription, or estoppel. The method prescribed by this chapter is exclusive.

History: En. Sec. 16, Ch. 452, L. 1973; amd. Sec. 2, Ch. 238, L. 1974; amd. Sec. 8, Ch. 485, L. 1975; amd. Sec. 4, Ch. 416, L. 1977; amd. Sec. 1, Ch. 470, L. 1977; R.C.M. 1947, 89-880(1).

**85-2-302. Application for permit.** Except as otherwise provided in (1) and (2) of 85-2-306, a person may not appropriate water or commence construction of diversion, impoundment, withdrawal, or distribution works therefor except by applying for and receiving a permit from the department. The application shall be made on a form prescribed by the department. The department shall make the forms available through its offices and the offices of the county clerk and recorders. The department shall return a defective application for correction or completion together with the reasons for returning it. An application does not lose priority of filing because of defects, if the application is corrected, completed, and refiled with the department within 30 days after its return to the applicant or within a further time as the department may allow. If an application is not corrected and completed within 30 days or within a further time as the department allows, up to 18 months, the priority date of the application shall be the date of refiling the application with the corrections with the department. An application not corrected within 18 months shall be terminated.

History: En. Sec. 16, Ch. 452, L. 1973; amd. Sec. 2, Ch. 238, L. 1974; amd. Sec. 8, Ch. 485, L. 1975; amd. Sec. 4, Ch. 416, L. 1977; amd. Sec. 1, Ch. 470, L. 1977; R.C.M. 1947, 89-880(2).

**85-2-303. Permit for conversion of nonproductive oil or gas well.** A person who desires to convert a nonproductive oil or gas well to a water well may do so immediately but shall file a notice of completion or apply for a permit, depending on the maximum yield of the well, as otherwise provided in this chapter. The date of appropriation shall be the date of filing the notice of completion or the application for a permit.

History: En. Sec. 16, Ch. 452, L. 1973; amd. Sec. 2, Ch. 238, L. 1974; amd. Sec. 8, Ch. 485, L. 1975; amd. Sec. 4, Ch. 416, L. 1977; amd. Sec. 1, Ch. 470, L. 1977; R.C.M. 1947, 89-880(6).

**85-2-304. Appropriation by state board of land commissioners.** The state board of land commissioners may, through the department of natural resources and conservation, at its discretion, appropriate any available waters for use upon state lands and authorize the construction of irrigation works for these lands. The appropriation shall be made in the same way and under the same laws as those governing the appropriation of water by individuals.

History: En. Sec. 2, Ch. 85, L. 1905; re-en. Sec. 2254, Rev. C. 1907; re-en. Sec. 1965, R.C.M. 1921; amd. Sec. 3, Ch. 280, L. 1965; amd. Sec. 113, Ch. 253, L. 1973; R.C.M. 1947 81-2012



## VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

TITLE HOUSE BILL 594  
SPONSOR Rep. Kemmis

Date Tues., FEB. 10

7:30 pm

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Andrew Hornick BILL No. 594  
ADDRESS 629 E. Beckwith, Missoula DATE 2/10/81  
WHOM DO YOU REPRESENT self  
SUPPORT ✓ OPPOSE        AMEND       

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

There should be more recognition + compliance between the different levels of government. Each should recognize the jurisdictions of others. The govt. organization closest to home is the one most concerned with local + private citizens. In my case this is the city of Missoula and local zoning.

We had no trouble with the Univ. in my residential area as long as the pres. of the Univ. lived in the <sup>block</sup> ~~area~~. As soon as a house suitable enough for the pres. of the U and his wife was procured for the pres. the university supervisors started agitating to break up our pleasant residential area. We have been in that area for 25 years and like it the way it is.

NAME Rudyard B. Goode HB BILL No. 594  
ADDRESS 643 East Beckwith Montana DATE 2-10-81  
WHOM DO YOU REPRESENT Self  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

My wife and I have, in effect, been harassed by the ~~uncertainty~~ uncertainty about the use of University of Montana owned residences in our block. We learn, indirectly, of planned non-residential uses which are not reasonable nor compatible with existing neighborhood.

NAME Thomas L. Finck BILL No. 594  
ADDRESS 415 E Beckwith, Missoula DATE 2-10-81  
WHOM DO YOU REPRESENT University Area Homeowners Association  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: *Speaking in support of the bill to promote equal protection under the law in zoning matters whether the applicant is an individual, a corporation, or an agency of state or local government.*

NAME JOHN F. PATTERSON JR BILL No. 594  
ADDRESS 304 S. 5TH E. MISSOULA DATE 2/10/81  
WHOM DO YOU REPRESENT MYSELF AND UNIVERSITY  
HOMEOWNER  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME A. A. van T. Lugen BILL No. 594  
ADDRESS Bremer, nt DATE Feb 10, 1981  
WHOM DO YOU REPRESENT Montana University System  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

See attached



# THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH

HELENA, MONTANA 59620

(406) 449-3024

COMMISSIONER OF HIGHER EDUCATION

February 10, 1981

To: Members of Local Government Committee

From: Andrew VanTeylingen, Facilities Planning Officer *Andrew VanTeylingen*  
Montana University System

Re: Testimony On House Bill No. 594

Section 3, subdivision (2) (a) would effectively give local government agencies, including zoning commissions and boards of adjustment, veto power over programs and facilities considered and authorized by this Legislature. It would allow legislatively authorized programs to be held hostage to local interests and politics.

The bill creates a conflict of sovereignties. It is also possible that it contributes an unconstitutional delegation of legislative powers. This Legislature, under our constitutional form of government is the only competent body to determine state interests. This bill at Section 3(2) (a)-(b) delegates to subordinate local agencies the power to determine state-wide interests and needs without specific guidelines as to how that power should be exercised. This is an infringement on the power which the people delegated to its elected legislative representatives.

The power to control the location of public services is the power to control their effectiveness and existence.

The use of the word "considered" in Section 3(2) would allow the local governmental body to avoid application of the statements presented in Section 3(2) (a)-(c). The dictionary definition of "consider" would not require the local governmental entity to actually apply those statements in reaching its decision as long as it reflected on or thought about them.

In short - Decisions relative to use of land and facilities to serve the programs of the University System would be subject to local control.

AV:blo

MB 594

Mr. Ted James, Chairman  
Board of Regents  
Montana University System  
2210 Beech Drive  
Great Falls, Montana 59401

Dear Mr. James:

Recently it has been brought to our attention that the University of Montana plans to convert the house at 667 East Beckwith Avenue (formerly the University of Montana president's residence) to offices for the University Development Fund, and incidentally, the University Foundation. Of the eight residences in the 600 block of East Beckwith Avenue the University owns the house mentioned above plus the houses at 619 and 655 East Beckwith Avenue. All three of these residences are presently being rented and used as single family dwellings in accordance with local zoning laws.

We would like to protest this proposed change on the grounds that it not only violates local zoning laws but also diminishes the value of our properties, changes the essential character of the neighborhood, and infringes on our civil and property rights.

Until the University of Montana is prepared to purchase all the privately owned property in this block, we would like to urge the Regents and the Commissioner not to approve routinely this violation of Missoula City zoning laws. We consider the intent of the University tantamount to "block busting".

We find the University's attempt to locate the University Development Fund and the University Foundation in our residential block particularly offensive because President Bowers assured us last August 9, 1979 that he would recommend to the University Campus Development Committee that the Foundation not be located in this residence. Furthermore, Allan Vannini, the Director of the Foundation in a separate meeting July 25, 1979 said that the University of Montana Foundation would never locate in the block if the residents of the block objected. We feel, therefore, that the University officials have violated an oral contract and their moral commitment to us. Notes taken by Walter King, 656 Evans Avenue, Patricia Dunkum, 601 East Beckwith Avenue, and Rudyard Goode, 643 East Beckwith Avenue, document these statements.

What is worse, we on this block have had to fight off University attempts to misuse this residential property for at least the last eight years (specific dates are available if they are necessary). For example:

1. After tearing down a residence on the southeast corner of Maurice and Beckwith, the University tried to turn this lot into a parking lot. We convinced them not to proceed.
2. The University tried to turn the Paul Gillespie house at 655 East Beckwith into offices. We convinced them not to proceed.
3. After tearing down a residence on Arthur Avenue behind the Edmund and Mary Freeman house at 601 East Beckwith, the University tried to turn this very small lot into a parking lot. We convinced them not to proceed.
4. The University proposed to demolish the house at 619 East Beckwith in order to make a parking lot. We convinced them not to proceed.
5. The University planned (in August 1978) to turn the house at 667 East Beckwith into a home for disturbed children. We convinced them not to proceed.
6. The University proposed to move the University of Montana Foundation into 667 East Beckwith Avenue last August, 1979. We thought we had convinced the University not to proceed (see enclosed correspondence between Mr. Hanson and Mr. Bowers and Mr. Hanson and Mr. Vannini).

Time and time again, the University has tried to violate the residential nature and character of this block. Time and time again, we have had to band together to convince them not to do it. Quite frankly, we are tired of having to convince University officials that their plans to use this property for non-residential purposes are unnecessary or ill-conceived and in violation of local zoning ordinances only to have these same officials try six months or a year later to do something of the same ilk.

It is for these reasons that we asked President Bowers to sell the property on the South side of Beckwith last August. As you can tell from Mr. Hanson's letter to President Bowers establishing the conclusions of that meeting and from President Bowers' reply, President Bowers agreed last August to do just that. We are amazed that not only has President Bowers gone back on his word to us, but Mr. Vannini, who specifically told us that the University Foundation would not move into the house at 667 East Beckwith Avenue against our wishes, has now also gone back on his word.



Pack 5  
If and when this matter is brought to the attention of the Board of Regents,  
we urgently request that we be heard in open session.

Sincerely yours,

Aubrey Dunkum and Patricia Dunkum  
601 East Beckwith Avenue

Aubrey K. Dunkum Patricia F. Dunkum

Jean Wordal  
609 East Beckwith Avenue

Jean Wordal

University owned  
619 East Beckwith Avenue

Andrew Hornick and Margaret Hornick  
629 East Beckwith Avenue

Andrew Hornick Margaret M. Hornick

Robert Hausmann and Jocelyn Hausmann  
633 East Beckwith Avenue

Robert Hausmann Jocelyn Hausmann

Rudyard Goode and Gera Goode  
643 East Beckwith Avenue

Rudyard Goode Gera Goode

University owned  
655 East Beckwith Avenue

University owned  
667 East Beckwith Avenue

Ray Beasley and Jane Beasley  
660 Evans Avenue

Ray Beasley Jane Beasley

Walter King and Jean King  
656 Evans Avenue

Walter N. King Jean King

Ronald Holder and Lynne Holder  
640 Evans Avenue

Ronald L. Holder Lynne Holder

Lewis Thoman and Mary Thoman  
636 Evans Avenue

Lewis Thoman Mary Thoman

Mary Collins  
630 Evans Avenue

Mary M. Collins

John Badgley and Pat Badgley  
620 Evans Avenue

Patricia Badgley - John Badgley

Philip Schuster and Cynthia Schuster  
614 Evans Avenue

Philip H. Schuster - Cynthia Schuster

Keith Angwin and Dorothy Angwin  
600 Evans Avenue

Keith Angwin - Dorothy M. Angwin

Copies to: Gov. Thomas L. Judge, the Board of Regents, the Commissioner of Higher Education.

Enclosures

University of Montana  
Missoula, Montana 59812  
(406) 243-2311

September 4, 1979

E. Arnold Hanson, President  
University Area Homeowners Association  
515 E. Kent Avenue  
Missoula, Montana 59801

Dear Mr. Hanson:

Thank you for your kind letter of August 28, 1979.

I was pleased to meet with the University's neighbors several weeks ago. It was for me a beneficial meeting. I apologize for not having been able to stay longer.

Sincerely,

*Rich Bowers*

Richard C. Bowers  
President

RCB/kc

UNIVERSITY AREA HOMEOWNERS ASSOCIATION

515 E. Kent Avenue  
Missoula, Montana 59801  
August 23, 1979

Dr. Richard C. Bowers, President  
University of Montana  
Missoula, Montana 59801

Dear President Bowers:

On behalf of the University Area Homeowners Association and the many members who live in the immediate vicinity of the University properties on E. Beckwith Avenue, I want to express our sincere thanks for your meeting with us earlier this month. Our brief discussion, I'm sure, was mutually beneficial and we were all relieved to learn that you plan to recommend the University sell the residence properties on E. Beckwith in favor of completing planned acquisitions across the street and on the north side of the campus.

Our Board of Directors met last evening and voted to extend our thanks to you for not converting the old president's house at 667 E. Beckwith into office space for the University of Montana Foundations and especially for assuring us you plan to rent the three houses for residential purposes only until such time as they can be sold for single family occupancy.

If you believe it appropriate we could arrange to have one or two members of our UAHA Board meet with you and the Campus Development Committee when you discuss plans for the E. Beckwith properties.

Thank you again, very much.

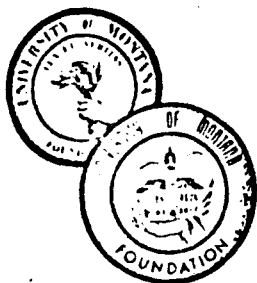
Sincerely,

E. ARNOLD HANSON

E. Arnold Hanson, President

cc: Campus Development Committee  
c/o Dr. Donald Habbe

cc: D. Angwin, V. Pres. ✓  
H. Doty, Secy.  
T. Finch, Zoning Comm.



UNIVERSITY OF MONTANA FOUNDATION  
MISSOULA, MONTANA 59812 TELEPHONE 406-243-2593

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July 27, 1979

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Helena, Montana

GENERAL COUNSEL

JACQUELYN HANSON, Attorney at Law  
Missoula, Montana

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UNIVERSITY OF MONTANA  
Missoula, Montana

MERRILL KOVATCH, President  
UNIVERSITY OF MONTANA ALUMNI ASSOCIATION  
Casper, Montana

BATTY DELANO, Past President  
UNIVERSITY OF MONTANA ALUMNI ASSOCIATION  
Billings, Montana

Mr. E. Arnold Hanson  
515 East Kent  
Missoula, Montana 59801


Dear Mr. Hanson:

Thank you for the opportunity to meet with the  
University Homeowner's Association.

As I said at the meeting, the Foundation wants  
to take no action that will upset the Association.  
Therefore, I have informed Dr. Bowers  
that we are withdrawing our request for use of  
the former presidential residence on Beckwith.

Thank you.

Sincerely,

  
Allan M. Vannini  
Executive Director

AMV:ar



State of Montana  
Office of The Governor  
Helena, 59601

THOMAS L. JUDGE  
GOVERNOR

October 11, 1978

Mrs. Rudyard Goode  
643 E. Beckwith  
Missoula, Montana

Dear Mrs. Goode:

My staff has passed on to me the concerns you have expressed about your neighborhood in Missoula and in particular your concern about the University holdings of property in residential areas.

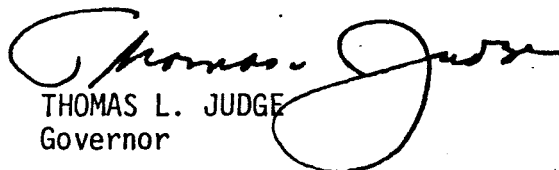
As I understand it, the particular home, owned by the University, which you had heard was under consideration for use by emotionally disturbed youths is no longer being considered for that use. For the moment, that should allay your concern.

However, you raise a good point regarding the need to review all University properties, whether or not they are still needed, whether or not they fit into expansion plans of each campus, whether or not the expansion plans are in fact still valid. As you know, the Board of Regents is the legal entity responsible for these matters. However, even though not under my authority, I have made the request of the Board of Regents that they do undertake such a review. It may be that you will want to follow-up with specific information or comment to the Board, c/o Ted James, Chairman.

Thank you for bringing these matters to my attention.

Best personal regards.

Sincerely,

  
THOMAS L. JUDGE  
Governor

## VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

PULL HOUSE BILL 643

Date Tues., Feb. 10 7:30  
pm

SPONSOR Rep. Matsko

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME

Chuck O'Reilly

BILL No.

HB 643

ADDRESS

8530 No Montana Helena

DATE

2-10-81

WHOM DO YOU REPRESENT

Montana Skeeps + Peace Officers Assoc.

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

# STANDING COMMITTEE REPORT

February 13, 1951

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 594

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LAND DEVELOPMENT AND USE BY GOVERNMENTAL AGENCIES TO CONFORM TO LOCAL ZONING REGULATIONS."

Respectfully report as follows: That HOUSE Bill No. 594

Amend House Bill 594

1. Page 1, line 17.

Following: "agencies."

Strike: "the"

Insert: "except as provided in 76-2-314 and for rights of way and easements, the"

AS AMENDED

DO PASS



# STANDING COMMITTEE REPORT

February 13, 1951

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 522

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
PERMISSIVE COUNTY ROAD LEVY; AMENDING SECTION 7-14-2501,  
MCA."

Respectfully report as follows: That HOUSE Bill No. 522

DO PASS

# STANDING COMMITTEE REPORT

February 14, 1961

MR. HILANDER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 624

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES CHARGED BY THE COUNTY CLERKS FOR RECORDING, FILING, AND COPYING SERVICES; REMOVING PROVISIONS THAT ARE OUTDATED; AMENDING SECTIONS 7-4-2631 AND 7-4-2632, MCA; AND REPEALING SECTION 7-4-2633, MCA."

Respectfully report as follows: That HOUSE Bill No. 624

Amend House Bill 624

1. Page 2, line 7.

Following: line 6

Strike: "or notice of appropriation of water,"

AS AMENDED

DO PASS

# STANDING COMMITTEE REPORT

January 11, 1961

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 643

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE LIMITATION ON THE NUMBER OF DEPUTIES THAT MAY BE HIRED BY A COUNTY SHERIFF IN ANY COUNTY OF THE STATE; REPEALING SECTION 7-32-2103, MCA."

Respectfully report as follows: That HOUSE Bill No. 643

DO PASS