

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

February 21, 1981

The Twelfth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 8:30 a.m.

ROLL CALL: Present: Senator Etchart, Senator Hager, Senator Hazelbaker, Senator Tveit, Senator Graham, Senator Stimatz. Absent: Senator Manning, Senator Healy. Excused: Senator Elliott.

ACTION ON SENATE BILL NO. 462:

Senator Hazelbaker suggested an amendment to make this effective upon passage and approval.

Senator Tveit made the motion that the amendments to Senate Bill No. 462 be adopted. With all Senators present voting aye, motion carried.

Senator Etchart introduced information from the Highway Department concerning the transaction whereby certain property was acquired in Yellowstone County. It showed that the land was acquired by virtue of a trade with the Crow Tribe. The Tribe deeded the Department 16.83 acres located in Big Horn County for 40 acres located in Yellowstone County. See Exhibit "A".

Senator Hager read a letter he received from Walter Sievert, Huntley, MT. See Exhibit "B".

Senator Hazelbaker made the motion that Senate Bill No. 462 as amended do pass. With all Senators present voting aye the motion carried.

ACTION ON SENATE BILL NO. 471:

Senator Hazelbaker told the committee and Senator Stimatz and himself had done some visiting on the subject of all of the Youth Court Bills, SB471, SB472, and SB473, and they would like to see an Interim Study done on them. They have a lot of merit and they should be looked into. The committee can introduce a committee resolution at any time.

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Senator Etchart made the suggestion that the committee kill all three bills and have Paul Verdon draft a resolution on them.

Senator Stimatz told the committee these bills will cost a lot of money, and then they may not even work.

The Committee agreed that they would like to introduce a Resolution for a study of SB471, SB472, and SB473.

Senator Tveit made the motion that Senate Bill No. 471 do not pass. With all Senators present voting aye, the motion carried.

ACTION ON SENATE BILL NO. 472:

Senator Tveit made the motion that Senate Bill No. 472 do not pass. With all Senators present voting aye, the motion carried.

ACTION ON SENATE BILL NO. 473:

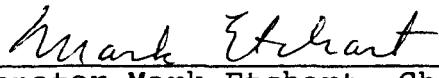
Senator Tveit made the motion that Senate Bill No. 473 do not pass. With all Senators present voting aye, the motion carried.

RESOLUTION ON SB471, SB472, SB473:

Senator Hazelbaker made the motion that the Highway Committee introduce a Joint Resolution for Interim Study of the subject matter on SB471, SB472, SB473. With all Senators present voting aye, the motion carried.

ADJOURNMENT:

There being no further business of the Highways and Transportation Committee the meeting adjourned at 8:30 p.m.

  
\_\_\_\_\_  
Senator Mark Etchart, Chairman

## ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/21/81

Each day attach to minutes.

Amendments to HB 462

1. Title, line 8  
Following: "PROPERTY"  
Insert: " PROVIDING AN IMMEDIATE EFFECTIVE  
DATE;"
2. Page 2, following line 17  
Insert: "Section 3. Effective date. [This act] is  
effective on passage and approval."

-End-

"A"

MONTANA DEPARTMENT OF HIGHWAYS

Helena, Montana

MEMORANDUM

TO: Senate Highway Committee  
State Capitol Building

FROM: James R. Beck  
Administrator  
Legal Division

DATE: February 20, 1981

RE: Land Trade - Yellowstone County

You have requested information concerning the transaction whereby certain property was acquired in Yellowstone County. I am enclosing a copy of the pertinent documentation. It shows, I believe, that the land was acquired by virtue of a trade with the Crow Tribe. The Tribe deeded the Department 16.83 acres located in Big Horn County for 40 acres located in Yellowstone County.

JRB:skj  
Attachment

A G R E E M E N T

THIS AGREEMENT made and entered into this 27 day of June, 1970, by and between the State of Montana, acting by and through its State Highway Commission, pursuant to the authority of Section 32-3906, Revised Codes of Montana, 1947, as amended, hereinafter referred to as "The State" and the Crow Tribe of Indians, hereinafter referred to as "The Tribe".

WITNESSETH,

The State hereby agrees that it will convey to The Tribe all right, title, and interest, subject to existing easements in and to that tract of land described in the attached Exhibit A which is made a part hereof.

The Tribe agrees that it will convey to The State for the benefit and use of its State Highway Commission all right, title, and interest in and to that tract of land described in the attached Exhibit B which is made a part hereof.

Each party hereto covenants that it will convey to the other good and merchantable title of the lands involved.

The Tribe waives its right of option to repurchase any or all of the land described in Exhibit B.

The Tribe, upon execution of this agreement, grants to the State Highway Commission immediate possession of all of the  $SE\frac{1}{4}SE\frac{1}{4}$  of Section 34, Township 1 North, Range 28 East, M.P.M., Yellowstone County, Montana.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the date and year first hereinabove set out.

ATTEST:

John C. Moore  
Secretary, State Highway Commission

Joseph S. Moore  
Chairman, State Highway Commission

ATTEST:

Joseph S. Moore  
Secretary, Crow Tribal Council

Bennie T. Caldecott  
Chairman, Crow Tribal Council

APPROVED: 6-5-70

(date)

John C. Moore  
Superintendent, Crow Indian Agency

EXHIBIT B

All of the  $SE\frac{1}{4}SE\frac{1}{4}$  of Section 34, Township 1 North, Range 28 East, M.P.M.,  
Yellowstone County, Montana.

EXHIBIT A

A tract of land in the E[SE] of Section 12, Township 3 South, Range 34 East, M.P.M., Big Horn County, Montana, more particularly described as follows: All that land in said E[SE] lying northeasterly of a line which is parallel to and 175 feet distant northeasterly when measured at right angles from the following described center line: Beginning at Engineer's Station 843+50.0 on the centerline of the West Bound Lane of Montana State Highway Project No. 1 90-9(4), which said Engineer's Station 843+50.0 is North 2666.3 feet and West 1175.5 feet, more or less, from the southeast corner of said Section 12; thence from a tangent bearing of South 16°37'11" East, along a spiral curve to the left increasing 1'00" per 100 feet, 72.1 feet; thence southeasterly along a curve to the left of 1637.1 feet radius, 346.7 feet; thence southeasterly along a spiral curve to the left decreasing 1'00" per 100 feet, 350.0 feet; thence South 37°09'30" East, through a minus 20.2 foot equation, 197.3 feet; thence southeasterly along a curve to the right of 3274.3 feet radius, 1163.7 feet to Engineer's Station 865+00.0 on said centerline of the west bound lane, which said Engineer's Station 865+00.0 is North 799.7 feet and West 157.1 feet, more or less, from said southeast corner of Section 12. The tract of land herein described contains 16.83 acres, more or less.

PROJECT: 1 (ES(7))

BIG HORN

COUNTY

IN THE NAME AND BY

THE STATE OF MONTANA

THE AUTHORITY OF

I 90-8 (32)  
Parcel 9

## QUITCLAIM DEED

Know All Men By These Presents:

THAT the STATE OF MONTANA in consideration of the sum of ONE DOLLAR (\$1.00),  
 and other good and valuable consideration,  
 lawful money of the United States now paid, the receipt whereof is hereby acknowledged, does  
 hereby remise, release and forever quitclaim unto

THE UNITED STATES OF AMERICA  
 In trust for THE STATE HIGHWAY  
 COMMISSION OF MONTANA,

and to its successors ... heirator assigns all of the right, title, claim and interest of the  
 State of Montana in and to the following described real property, situated in County of

Big Horn and State of Montana, to-wit:

A tract of land in the E<sup>1</sup>SE<sup>1</sup> of Section 12, Township 3 South, Range 3<sup>4</sup> East,  
 H.P.M., Big Horn County, Montana, more particularly described as follows:

All that land in said E<sup>1</sup>SE<sup>1</sup> lying northeasterly of a line which is parallel to  
 and 175 feet distant northeasterly when measured at right angles from the  
 following described center line: Beginning at Engineer's Station 143+50.0 on  
 the center line of the West Bound Line of Montana State Highway Project No.  
 I 90-8(7), which said Engineer's Station 143+50.0 is North 2605.3 feet and West  
 1175.5 feet, more or less, from the southeast corner of said Section 12; thence  
 from a tangent bearing of South 16° 37' 11" East, along a spiral curve to the  
 left increasing 1° 00' per 100 feet, 72.1 feet; thence southeasterly along a  
 curve to the left of 16.71 feet radius, 16.7 feet; thence southeasterly along  
 a spiral curve to the left decreasing 1° 00' per 100 feet, 150.0 feet; thence  
 South 37° 09' 30" East, through a minus 20.2 foot equation, 197.3 feet; thence  
 southeasterly along a curve to the right of 1274.3 feet radius, 1165.7 feet to  
 Engineer's Station 153+00.0 on said center line of the West bound line, which  
 said Engineer's Station 153+00.0 is North 710.7 feet and West 157.1 feet, more  
 or less, from said southeast corner of Section 12.

The tract of land herein described contains 16.03 acres, more or less.

Subject to those reservations and exceptions contained in those certain deeds  
 filed in Big Horn County, October 9, 1957, in Book No. 54 and 291 on Page 358  
 and Book No. 54 and 291 on Page 364.

This deed is issued in conformance with the provisions of the Act of May 19, 1958,  
 (72 Stat. 121).



**INSTRUCTIONS:** There should be inserted below all obligations of the State respecting this right of way transaction, excepting only payment of cash compensation. Each item should be numbered.

S P E C I A L C O N S I D E R A T I O N S  
THE GRANTOR(S) HEREBY AGREE(S) TO ALLOW THE STATE, ITS CONTRACTORS AND ASSIGNS TO PERFORM THE  
FOLLOWING WORK OUTSIDE OF THE HIGHWAY RIGHT OF WAY AS NECESSARY:

### Notes

## SPECIAL CONSIDERATIONS

THE GRANTOR(S) HEREBY AGREE(S) TO ALLOW THE STATE, ITS CONTRACTORS AND ASSIGNS TO PERFORM THE FOLLOWING WORK OUTSIDE OF THE HIGHWAY RIGHT OF WAY AS NECESSARY:

#### **DISTRIBUTION OF COMPENSATION:**

No monetary consideration is involved. This parcel was acquired in exchange for 16.83 acres of land valued at \$70.00 per acre.

**RECOMMENDED FOR APPROVAL**

*Ed Reiterich* 8-14-70  
(date)  
APPROVED FOR AND ON BEHALF OF THE STATE HIGHWAY  
COMMISSION OF MONTANA

THE AGREEMENTS AND CONSIDERATIONS SET FORTH  
HEREIN ARE THE SOLE AND COMPLETE AGREEMENTS  
AND CONSIDERATIONS BETWEEN THE UNDERSIGNED  
GRANTOR(S) AND RIGHT-OF-WAY AGENT. NO VERBAL  
COMMITMENTS WILL BE RECOGNIZED BY STATE  
SETTLEMENT APPROVED

DISLATE: 81612028 SUPERVISOR

(Date)

## Geography

8-14-70

## 卷之三

(Date)

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(Signatures of Landowners)

REMARKS: (Insert here any additional PERTINENT information to aid headquarters in understanding peculiarities of title or negotiation. THIS INFORMATION FOR OFFICE USE ONLY)

\$336.00 of this consideration will receive federal participation. The remainder will be credited to the excess land account.

Washington, and the undersigned authorized officer of the Bureau of Indian Affairs  
is herein deposited to the Bureau of Land Management, directing that, pursuant to  
the Act of May 29, 1908 (32 Stat. 321), a the simple patent issue to the State  
of Montana Highway Commission for the following described land:

• Principal Meridian, Montana

T. 18., R. 28 E.,

Sec. 30, Section

The area described contains 40.00 acres, according to the official plan  
of survey of the said land on file in the Bureau of Land Management:

KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the  
premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto  
the said State of Montana Highway Commission, and to its successors, the said  
land above described; TO HAVE AND TO HOLD the same, together with all the rights,  
privileges, immunities, and appurtenances, of whatsoever nature, thereunto  
belonging, unto the said State of Montana Highway Commission, and its successors  
and assigns forever.

This patent is subject to the reservation of all minerals, including coal,  
oil and gas to the United States of America in trust for the benefit of the members  
of the Crow Tribe in common in accordance with the Acts of June 4, 1920 (41 Stat.  
751), May 26, 1926 (44 Stat. 658), and September 16, 1958 (73 Stat. 565), as  
amended by the Act of May 17, 1968 (82 Stat. 123).

In Testimony Whereof, the undersigned authorized officer of  
the Bureau of Land Management, in accordance with the  
provisions of the Act of June 17, 1948 (62 Stat. 476), has,  
in the name of the United States, caused these letters to be  
made Patent, and the Seal of the Bureau to be hereunto  
affixed.

GIVEN under my hand, in Billings, Montana,  
the THIRTY-EIGHTH day of JULY  
in the year of our Lord one thousand nine hundred and SEVENTY  
and of the Independence of the United States the  
one hundred and NINETY-FIFTH.

By *Eugene H. Newell*  
Manager, Montana Land Office.

25-71-0014.

Patent Number

887824

United States  
State of Montana  
Montana Highway Commission  
Patent

STATE OF MONTANA  
County of Yellowstone  
I hereby certify that the within  
patent was filed in my office for  
record on the 14th day of July  
in the year of our Lord one thousand  
nine hundred and fifty-eight  
and is duly recorded in the  
records of the Bureau of Land  
Management, on the 22nd day of  
July, in the year of our Lord one thousand  
nine hundred and fifty-eight.  
Witness my hand and seal  
July 22, 1958  
Eugene H. Newell  
Manager, Montana Land Office  
Seal

John H. Nelson  
John H. Nelson

1880

— 1 —

19. 2. 1911

1878-1879

# Youth Court Services

Eleventh Judicial District  
Box 839 - Kalispell, MT 59901  
(406) 755-5300

J. M. SALANSKY  
ROBERT C. SYKES  
Youth Court Judges

R. GLEN HUFSTETLER  
Chief Probation Officer

DEPUTIES:  
Kevin J. Burham  
Noel Kirack  
Elisabeth A. Moothart

February 18, 1981

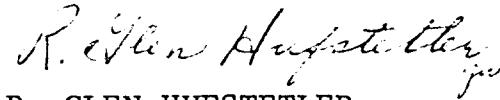
Senator Carroll Graham  
Montana Legislature  
State Capitol  
Helena, Montana 59601

Dear Senator Graham:

This letter is to request that Senate Bills 471, 472, and 473 be killed in committee.

As Chief Probation Officer of the Eleventh Judicial District, Flathead County, and having worked in the field of corrections for approximately ten years, I strongly oppose the principles and contents of all three of the above-numbered bills and respectfully request your consideration in recommending a do not pass in the upcoming hearings.

Sincerely,



R. GLEN HUFSTETLER  
Chief Probation Officer

RCH/gw

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 5-16-64 5-16-64 Bill No. 402 Time 8:30 a.m.

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

*Carol Doyle Frasier*  
CAROL DOYLE FRASIER  
Secretary

*Mark Etchart*  
SENATOR MARK ETCHEART  
Chairman

Motion: No Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 2/27/70 \_\_\_\_\_ Date \_\_\_\_\_ Bill No. 471 \_\_\_\_\_ Time 8:35 am

NAME	YES	NO
Senator Mart Etchart	/	
Senator Tom Hager	/	
Senator Frank Hazelbaker	/	
Senator Elliott	/	
Senator Tveit	/	
Senator Manning	Present	
Senator Graham	/	
Senator Healy	Present	
Senator Stimatz	/	

*Carol Doyle Frasier*  
CAROL DOYLE FRASIER  
Secretary

*Mark Etchart*  
SENATOR MARK ETCHART  
Chairman

Motion: DO NOT PASS

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 2/26/81 Joint Bill No. 472 Time 2:26 pm

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	Want	
Senator Graham	✓	
Senator Healy	See 2. 25	
Senator Stimatzi	✓	

*Carol Doyle Frasier*  
CAROL DOYLE FRASIER  
 Secretary

*Mark Etchart*  
SENATOR MARK ETCHART  
 Chairman

Motion: Do NOT PASS

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 2/2/78 \_\_\_\_\_ Date 2/2/78 \_\_\_\_\_ Bill No. 473 \_\_\_\_\_ Time 8:28

NAME	YES	NO
Senator Mart Etchart		
Senator Tom Hager		
Senator Frank Hazelbaker		
Senator Elliott		
Senator Tveit		
Senator Manning		
Senator Graham		
Senator Healy		
Senator Stimatzi		

*Carol Doyle Frasier*  
CAROL DOYLE FRASIER  
 Secretary

*Mark Etchart*  
SENATOR MARK ETCHART  
 Chairman

Motion: DO NOT PASS

(include enough information on motion--put with yellow copy of committee report.)

February 21..... 1981.....

MR. President:

We, your committee on Highways and Transportation.....

having had under consideration ..... Senate..... Bill No 462.....

Respectfully report as follows: That..... Senate..... Bill No 462.....

introduced bill no. 462 be amended as follows:

1. Title, line 8.

Following: "PROPERTY"

Insert: "PROVIDING AN IMMEDIATE EFFECTIVE DATE;"

2. Page 2,

Following: Line 17.

Insert: "Section 3. Effective date [This Act] is effective on  
passage and approval."

AND, AS SO AMENDED,

NO PASS

DO PASS

G.A.

..... Senator Mark Etchart..... Chairman.

February 21.....1981.....

MR. President:

We, your committee on Highways and Transportation

having had under consideration ..... Senate ..... Bill No. 472

Respectfully report as follows: That..... Senate ..... Bill No. 472

EXPENSE  
DO NOT PASS

STATE PUB. CO.  
Helena, Mont.

..... Senator Mark Etchart ..... Chairman.

*G.O.*

February 21..... 19 81....

MR. President:.....

We, your committee on ..... Highways and Transportation.....

having had under consideration ..... Senate..... Bill No. 471.....

Respectfully report as follows: That..... Senate..... Bill No. 471.....

DO NOT PASS

STATE PUB. CO.  
Helena, Mont.

..... Senator Mark Etchart

Chairman.

JD.

February 21

1981

MR. President:We, your committee on Highways and Transportation,having had under consideration Senate Bill No. 473,Respectfully report as follows: That Senate Bill No. 473,

DO NOT PASS

G.A.

Senator Mark Btchart

Chairman