

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.

February 21, 1981

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

NAME	PRESENT	ABSENT	EXCUSED
SENATOR MARK ETCHART	✓		
SENATOR TOM HAGER	✓		
SENATOR FRANK W. HAZELBAKER	✓		
SENATOR ROGER H. ELLIOTT			✓
SENATOR LARRY J. TVEIT	✓		
SENATOR DAVE MANNING		✓	
SENATOR CARROLL GRAHAM	✓		
SENATOR JACK HEALY		✓	
SENATOR LAWRENCE G. STIMATZ	✓		
VERDON - Legislative Council	✓		

Each day attach to minutes.

Amendments 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 22 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.

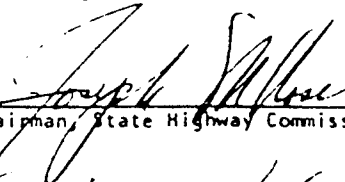
The Tribe waives its right of option to repurchase any or all of the land described in Exhibit B.

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.

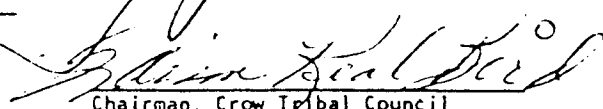
ATTEST:


Secretary, State Highway Commission


Chairman, State Highway Commission

ATTEST:


Secretary, Crow Tribal Council


Chairman, Crow Tribal Council

APPROVED: 6-5-70

(date)

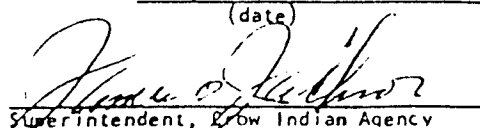

Superintendent, Crow Indian Agency

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. 190-9(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 (EC(7))

BIG HORN

COUNTY

IN THE NAME AND BY

THE AUTHORITY OF

THE STATE OF MONTANA

QUITCLAIM DEED

I 90-8 (32)
Parcel 9

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 DEED, TRIBE
of INDIANS of MONTANA,

and to its successors the Trustor 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 $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, Township 3 South, Range 34 East,
H.P.H., Big Horn County, Montana, more particularly described as follows:

All that land in said E $\frac{1}{2}$ SE $\frac{1}{4}$ 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 43+50.0 on
the center line of the West Bound Lane of Montana State Highway Project No.
1 90-8(4), which said Engineer's Station 43+50.0 is North 2035.3 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, 150.7 feet; thence southeasterly along
a spiral curve to the left decreasing 1° 00' per 100 feet, 150.6 feet; thence
South 37° 09' 20" East, through a minus 20.2 foot equation, 197.3 feet; thence
southeasterly along a curve to the right of 3274.3 feet radius, 1162.7 feet to
Engineer's Station 43+00.0 on said center line of the west bound lane, which
said Engineer's Station 43+00.0 is North 720.7 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 298 on Page 356
and Book No. 54 and 298 on Page 364.

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

CONST. PROJECT

PARCEL FROM STA. TO STA. SUBDIVISION SEC. T. R. COUNTY
 9 481+13 494+68 SE1SE1 34 IN 28E Yellowstone

OPEN ☐
 CLOSED ☒

OWNER: CROW TRIBE OF INDIANS
 ADDRESS: CROW AGENCY, MONTANA

Given name of wife/husband

Check interest of wife:
 J/T with R/S ☐
 Ten. in common ☐
 Dower right only ☐

OWNER:
 ADDRESS:

MORTGAGE: Name of Mortgagee None Address
 Date of Mortgage Amount \$ Filed B. P.
 Amount of compensation to be assigned mortgagee \$ (Secure assignment)

CONTRACT FOR SALE: To: None Address
 Amount of compensation to be assigned owner \$ (Secure assignment)

LEASE: To: NONE Address

LIEN: Name of Lienholder: None Address
 Date Type Amount \$

PARCEL	LAND	CASH COMPENSATION
9	11.20 acres of grazing land at \$ 30.00 per acre	\$ 336.00
	28.80 " " " "	\$ 864.00
	" " " "	\$
	" " " "	\$

\$1200.00

D A M A G E S: (Set forth character of each item and amount therefor)

IMPROVEMENTS TAKEN:	IMPROVEMENTS DAMAGED:
None	None

OTHER DAMAGES:

None

(If additional sheet used check here) ☐

TOTAL DAMAGES \$

None

THE PARTIES HERETO AGREE THAT FENCING FIGURES SHOWN HEREON ARE ESTIMATES ONLY AND THAT PAYMENT FOR BUILDING OR RESETTING FENCES WILL BE BASED UPON ACTUAL FIELD MEASUREMENT AFTER THE FENCING HAS BEEN COMPLETED

STATION	to	STATION	SIDE	FENCING
None				Build rods of fence at \$ per rod \$
				" " " " " " \$ " " \$
				" " " " " " \$ " " \$
				" " " " " " \$ " " \$
None				Reset " " " " " " \$ " " \$
				" " " " " " \$ " " \$
				" " " " " " \$ " " \$
				" " " " " " \$ " " \$

FENCE BY: OWNER ☐ LESSEE ☐ CONT. PUR. ☐ STATE ☐

ESTIMATED FENCE COMPENSATION \$ None LAND & DAMAGES \$ 1200.00

LISTED & PLOTTED 9-10-20 acc
 8-22-20
 mo

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.
 Legend: SOP - Shown on Plans; NSOP - Not Shown on Plans

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:

None

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

E. R. Butcher 8-14-70
 (date)

APPROVED FOR AND ON BEHALF OF THE STATE HIGHWAY COMMISSION OF MONTANA

DISTRICT RIGHT OF WAY SUPERVISOR (Date)
[Signature] 8-14-70
 CHIEF RIGHT OF WAY AGENT (Date)
[Signature] 8-14-70

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

(date)

(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.

WHEREAS, an order of the authorized officer of the Bureau of Indian Affairs
was transmitted to the Bureau of Land Management, directing that, pursuant to
the Act of May 29, 1908 (35 Stat. 121), a fee simple patent issue to the State
of Montana Highway Commission for the following described land:

Principal Meridian, Montana:

T. 1 N., R. 26 E.,

Sec. 34, SE. 34.

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

NOW 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 in 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, 1959 (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 TWENTY-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.

[SEAL]

By

Eugene H. Newell

Manager, Montana Land Office.

25-71-0014

Patent Number

867821

United States

2

*State of Montana
Highway Commission*

Patent

STATE OF MONTANA, }
County of Yellowstone.

I hereby certify that the within fee
document was filed in my office for
record on this *1st*

day of *August* 1971

at *Billings*, Montana.

Filed in Book *492* of

Index on page *467*

Witness my hand and seal at *Billings*,
Montana, this *1st* day of *August*,
1971.

By *Eugene H. Newell*

Manager, Montana Land Office

Return

May 12, 1908,

Dear Mr. Brewster,

I have been thinking

of you lately.

I have been thinking

of you lately.

I have been thinking

of you lately.

I have been thinking

of you lately.

Yours truly,

John G. Thompson

John G. Thompson

John G. Thompson

John G. Thompson

John G. Thompson

John G. Thompson

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

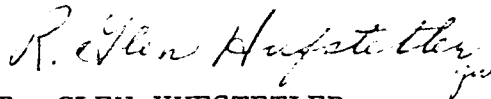
Senator Carroll Graham
Montana Legislature
State Capitol
Helena, Montana 59601

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 TRANSPORTATION

Date 2-14-61 12:00 Bill No. 402 Time 2:30 pm

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

Carol Doyle Frasier
CAROL DOYLE FRASIER
Secretary

Mark Etchart
SENATOR MARK ETCHART
Chairman

Motion: De Pass

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

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/21/71 Senate Bill No. 471 Time 8:25 am

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

Date 2/25/81 Amended Bill No. 472 Time 9:26 am

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	<u>Abst.</u>	
Senator Graham	✓	
Senator Healy	<u>Abst.</u>	
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 TRANSPORTATION

Date 2/27/81 Vote 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 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.)

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,

~~DO PASS~~

DO PASS

STANDING COMMITTEE REPORT
.....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**.....

~~DEPASS~~
DO NOT PASS

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**

~~XXXXXX~~
DO NOT PASS

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**~~XXXXXX~~DO NOT PASS

39