

## MINUTES

### MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Esther Bengtson, on February 16, 1991, at 9:22 a.m.

#### ROLL CALL

**Members Present:**

Esther Bengtson, Chairman (D)  
Eleanor Vaughn, Vice Chairman (D)  
Thomas Beck (R)  
Dorothy Eck (D)  
Ethel Harding (R)  
John Jr. Kennedy (D)  
Gene Thayer (R)  
Mignon Waterman (D)

**Members Excused:** H.W. Hammond (R)

**Staff Present:** Connie Erickson (Legislative Council).

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

**Announcements/Discussion:** none

#### EXECUTIVE ACTION ON SB-221

**Discussion:** Senator Harding said that she wanted to fill in those that were missing during the hearing. She carried this bill for elected officials from Yellowstone County. The voters have a right to vote to consolidate these offices that they vote the officials into. Things have been said that consolidating offices that do not have a heavy workload. But during the hearing, testimony was given that the two sets of offices consolidated in Yellowstone County that would save money by consolidating, came up with a greater budget the next year after consolidation. They were told that consolidation would cut costs, but there were no savings. This bill requires an election, but it is not a special election, it will be held with the general election. So there is no added cost. Then the voters can register their vote for or against consolidation. The

LG021691.SM1

SENATE LOCAL GOVERNMENT COMMITTEE

February 16, 1991

Page 2 of 6

method of review every 10 years can change the governing structure, but most see consolidation to do the same, so county commissioners are changing government without consulting voters first.

Senator Beck asked Senator Harding who opposed this bill in the hearing? Senator Harding said the only opposition was by MACo.

Senator Waterman stated that Lewis and Clark consolidated and the voters upheld the consolidation by voting on a resolution that was requested. People have a voice, and if enough are concerned that will go through the current process. Senator Waterman said that Lewis and Clark, under this bill, would have had to postpone the election for two years, hire someone until then, all because the person in this office had died suddenly.

Senator Bengtson stated that she knew the person that requested this bill, and she felt that the person had a personal grievance with the county commissioners, and so this bill was personal. This bill would hamstring local government in a time that we are trying to give them back control.

**Motion:** Senator Kennedy moved to Table SB-221. A roll call vote was taken. The committee was voted 4-3 not to table. Senator Eck voted later in the meeting and tied the vote, so SB-221 is tabled. Senator Hammond did not vote. (A motion by Senator Beck to Do Pass SB-221 that had passed, was voided when Senator Eck cast her vote to table SB-221 and against a do pass).

EXECUTIVE ACTION ON SB-224

**Amendments, Discussion, and Votes:** Senator Vaughn presented the amendments that have been drafted by the EQC and the industries concerned. The industries all received copies of the amendments, and told to call EQC if they had any problems with them (Exhibit #1). Senator Vaughn said the Libby air quality control person had no problems with these changes. C. Erickson explained the amendments, and reiterated that they did not try to regulate the major industries that are already controlled by the state and federal government.

Senator Beck asked if this bill simply gives the local people authority to deal with woodstoves and road dust? C. Erickson said that was correct, and some minor industries might be covered under this act.

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Senator Vaughn moved the amendments. The vote was unanimous.

Motion: Senator Vaughn moved to Do Pass SB-224 as amended.

Discussion: Senator Thayer was concerned about testimony given that some communities would not pass such a measure, like Lincoln and Augusta. Senator Vaughn explained to Senator Thayer that these districts are now done by petition, signed by 15% of the county. This bill allows areas within the county to form districts, through public hearings instead of petitions, so the entire county approval is not needed because they would not be in the district. A group from Denver, Colorado that are helping with the study, will mean that funding will be available. There is federal monies available to help people in these districts to convert their stoves if needed, but only to those in these types of districts. Being able to form these districts, district residents can confront their air problems like woodstoves and road dust, and have funding available to accomplish it.

Senator Beck asked Linda Stoll-Anderson what the boundaries of the district was in Helena. Ms. Anderson said it did not take in the entire county. It is known as the Helena Valley Air Shed. Senator Waterman said that areas that have formed these districts have realized they had problems, and have recognized something needed to be done. There only concern was that having some time to do it, and the county has been good about.

Votes: The motion to Do Pass SB-224 as Amended was taken as a roll call vote, and it passed unanimously.

#### EXECUTIVE ACTION ON SB-195

Amendments, Discussion, and Votes: Senator Bengtson said that the concerns raised during the hearing on SB-195 had been considered when drafting amendments to the bill. The need for a timely review that would not hold up the subdivision review process was noted. C. Erickson explained the amendments. (Exhibit #2).

Senator Thayer asked what the term "public record" was defined as? Would it be "public records in the courthouse"? He presented a letter outlining the surveyors' concerns about the time frame of the review, location of records, and the cost factors (Exhibit #2A). C. Erickson said that the amendment could be modified to

SENATE LOCAL GOVERNMENT COMMITTEE

February 16, 1991

Page 4 of 6

reference a definition of "public record" if she could find one.

Senator Bengtson said that irrigation district information is public record at the courthouse, and from that they would know where the irrigation district office was with the records. Senator Thayer said that an ambiguous statement like "public record" could still be used to sue on if someone said they had their maps at home and nobody asked for them. He suggested that the language mean public records in a clerk and recorders office. Senator Beck said that the wording should be "public record" because some records might be in the assessor's while others are in the clerk's office. Senator Harding said then the burden would be on the irrigation districts to get their records to the courthouse to be filed.

C. Erickson said that she would have to investigate this definition, so that it does not affect other code that would need to be changed. Senator Vaughn asked how broad this language needed to be? Senator Harding said that in her district there were three irrigation district, but she saw the problem with the fact that many water user entities do not have records.

Senator Bengtson said that she felt if this bill had real problems that the Real Estate Brokers and Subdivision Planners would have opposed it. Only the MARLS had a problem with the bill. Senator Thayer said that they were concerned about the liability factor if they missed a water user entity that had their records at their home. He felt "public record" and then a definition in a subsection of "public record" would cover it.

Senator Bengtson agreed, and said that she felt it would not be any big burden on the irrigation district, and if they want to be involved in this then they should accept the necessity of their records being in a public place.

Senator Waterman thought "public record" was general enough that you would not have anyone having to file somewhere else. We are not now requiring that all these water user entities file their facility, but if they want to be protected and notified, then they will need to file.

C. Erickson finished explaining the changes in the amendments that dealt with the review process and the time frame allowed. These amendments go along with subdivision review time tables and should allow this process to fit neatly within a subdivision review by city and county governments. Senator Waterman moved the amendments that define public record, set up a time frame, and define water sources. (Exhibit #2). The motion passed

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unanimously.

**Motion:** Senator Bengtson moved to Do Pass SB-195 as Amended. A roll call vote was taken, and the motion passed.

**EXECUTIVE ACTION ON COMMITTEE BILL-TITLE 7**

**Discussion:** C. Erickson explained that with the volume of bills, it is taking about 3 days to get the bill through the process. So she was not sure that the committee would have time to get the bill through before transmittal. After this meeting today, this committee only has 2 more, and Tuesday's agenda already has five bills to be heard. She thought the committee could meet the week of transmittal to consider the bill, but this committee bill must be in by Friday, February 22, 1991.

**Motion:** Senator Harding moved that the committee request a committee bill, that would address tier 1 of Title 7.

**Recommendation and Vote:** Senator Thayer asked what tier 1 addressed? Senator Thayer said it covered the boards. Senator Beck wanted to know how much work was involved before the committee asks C. Erickson to do this? C. Erickson said that it is not an awful lot of work. Senator Thayer said the alternative would be to take HB-64 and amend it. C. Erickson said the title of HB-64 would cause problems with changing to fit tier 1 needs. Senator Waterman said she would like the committee to act on HB-64, just in case the committee bill doesn't make it. Senator Bengtson asked for the vote. A roll call was taken and the committee was unanimous to request drafting this bill.

**EXECUTIVE ACTION ON SB-189**

**Amendments, Discussion, and Votes:** C. Erickson said there were two sets of amendments. (Exhibit #3, #3A). The first set were from Paul Sihler from the EQC, and Senator Beck approves these. Senator Beck said these are clean up language. That the reference to hazardous waste is removed because it should not be in this bill. They also struck septic tank and cesspool pumpings which generally go through a city waste disposal system, and not into a landfill dump. They inserted "timber and wood byproduct" into the bill because they are disposed of in landfills. C. Erickson the second set of amendments were proposed during the hearing, and Senator Beck requested her to draft them. They do a couple of things: #1 they change the definition of solid waste district to "solid waste management district", amendment #2

SENATE LOCAL GOVERNMENT COMMITTEE

February 16, 1991

Page 6 of 6

Exhibit 3A. The point was made during the hearing that solid waste districts seldom "collect", so this parallels the language in 75-10-103.

Gene Huntington said that this was new language, "collecting and disposing", and the intent was to make this section of local government law consistent with the public health law in 75-10-103. The way to address that was to reference 75-10-103.

C. Erickson said the next change was about the installment payments. There had been concern that two different time frames had been stated in the bill that contradict. The "10 years" for installments was adopted because that is what is currently offered for financing. Gene Huntington said that they are expecting contracting with the private sector, and to avoid confusion both sections should be the same. No one has had a 20 year installment purchase contract for a long time. C. Erickson said the other amendments were technical. #4 should not have "joint", #5 and #6 were mistakes in the codification that was in the wrong place, both technical errors.

Senator Beck moved both sets of the amendments. The vote was unanimous.

Motion: Senator Beck moved to Do Pass SB-189 as Amended.


Recommendation and Vote: The vote was taken as a roll call vote and it passed unanimously.

ADJOURNMENT

Adjournment At: 10:09 a.m.



ESTHER BENGTSON, Chairman



JOYCE INCHAUSPE-CORSON, Secretary

EB/jic

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ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 2-16-91

52 LEGISLATIVE SESSION \_\_\_\_\_

NAME	PRESENT	ABSENT	EXCUSED
Senator Beck	X		
Senator Bengtson	X		
Senator Eck	<del>X</del>		
Senator Hammond		X	
Senator Harding	X		
Senator Kennedy	X		
Senator Thayer	X		
Senator Vaughn	X		
Senator Waterman	X		

Each day attach to minutes.

DATE February 16, 1991

COMMITTEE ON SENATE LOCAL GOVERNMENT

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)



ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-91 Bill No. SB-221 Time 9:32

NAME	YES	NO
Senator Beck		X
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond		
Senator Harding		X
Senator Kennedy	X	
Senator Thayer		X
Senator Vaughn		X
Senator Waterman	X	

Joyce Inchauspe-Corson  
Secretary

Senator Esther Bengtson  
Chairman

Motion:

To table SB-221

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-18-91 Bill No. SB-221 Time 9:34

NAME	YES	NO
Senator Beck	X	
Senator Bengtson		X
Senator Eck		X
Senator Hammond		
Senator Harding	X	
Senator Kennedy		X
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman		X

Joyce Inchauspe-Corson  
Secretary

Senator Esther Bengtson  
Chairman

Motion: DO Pass SB-221

Voided after late vote by  
Senator Eck to Table - Broken Tie

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-91 Bill No. SB-224 Time 9:44am

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond		
Senator Harding	X	
Senator Kennedy	X	
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson  
Secretary

Senator Esther Bengtson  
Chairman

Motion: Do Pass  
SB-224 as Amended

## SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
February 16, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 224 (first reading copy -- white), respectfully report that Senate Bill No. 224 be amended and as so amended do pass:

1. Title, line 12.

Following: "PROGRAMS;"

Insert: "RESTRICTING THE TYPES OF AIR POLLUTION SOURCES THAT MAY BE REGULATED BY A LOCAL AIR POLLUTION CONTROL PROGRAM;"

2. Page 2, line 13.

Strike: "The"

Insert: "Except as provided in subsection (4), the"

Following: "board"

Insert: "by order"

3. Page 3, line 6.

Strike: second "program"

Insert: "permitting"

4. Page 3, lines 6 and 7.

Strike: "conducted" on line 6 through "75-2-215" on line 7

5. Page 3.

Following: line 7

Insert: "(4) Except for those emergency powers provided for in 75-2-402, the board may not delegate to a local air pollution control program the authority to control any air contaminant source that:

(a) requires the preparation of an environmental impact statement in accordance with to Title 75, chapter 1, part 2;

(b) is subject to regulation under the Montana Major Facility Siting Act, as provided in Title 75, chapter 20; or

(c) has the potential to emit 250 tons per year or more of any pollutant subject to regulation under this chapter, including fugitive emissions, unless the authority to control the source was delegated to a local air pollution control program prior to January 1, 1991."

Renumber: subsequent subsections

6. Page 4, line 9.

Following: "chapter"

Insert: ", including the terms contained in any applicable board order,"

7. Page 5, line 3.

Strike: "(7)"

Insert: "(8)"

Signed: Esther G. Bengtson  
Esther G. Bengtson, Chairman

*Done*

*Jan 2-16-91*  
And. Coord.

*SK 2-16 11:15*  
Sec. of Senate

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-91 Bill No. SB-195 Time 9:58

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond		
Senator Harding	X	
Senator Kennedy	X	
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson  
Secretary

Senator Esther Bengtson  
Chairman

Motion: Do Pass  
SB-195 as Amended

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 16, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 195 (first reading copy -- white), respectfully report that Senate Bill No. 195 be amended and as so amended do pass:

1. Page 2.

Following: line 10

Insert: "(10) "Public record" means any record or other written material in the possession of the county."

Renumber: subsequent subsections

2. Page 4, line 20.

Page 10, line 12.

Page 12, line 3.

Page 14, line 8.

Strike: "and"

3. Page 4, line 21.

Page 10, line 12.

Page 12, line 4.

Page 14, line 9.

Following: "facilities"

Insert: ", and sources of water"

4. Page 10, line 9.

Page 12, line 1.

Page 14, line 6.

Following: "facilities"

Insert: "of public record"

5. Page 11, line 25.

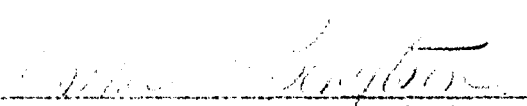
Following: "entity"

Insert: "within 60 days of its submission to the governing body"

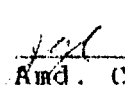
6. Page 14, line 5.

Following: "entity"

Insert: "within 35 days of its submission to the governing body"

Signed: 

Esther G. Bengtson, Chairman

 2-16-91  
Amd. Coord.

 - 2-16 12:05  
Sec. of Senate

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-91 Bill No. SB-189 Time 10:07

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond		
Senator Harding	X	
Senator Kennedy	X	
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson  
Secretary

Senator Esther Bengtson  
Chairman

Motion: Do Pass SB-189 as Amended

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
February 16, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 189 (first reading copy -- white), respectfully report that Senate Bill No. 189 be amended and as so amended do pass:

1. Page 5, lines 15 and 16.

Following: "refuse;" on line 15

Strike: "hazardous wastes;"

2. Page 5, line 18.

Following: "facilities;"

Strike: "septic tank and cesspool pumpings;"

3. Page 5, line 20.

Following: "wood" on line 20

Strike: "wastes"

Insert: "products or wood byproducts"

4. Page 5, line 21.

Following: "materials."

Strike: "The term"

Insert: "\"Solid waste\""

Following: "not"

Strike: "include"

Insert: "mean"

5. Page 5, line 24.

Following: "lands"

Insert: ", slash and forest debris regulated under laws  
administered by the department of state lands, or marketable  
byproducts "

6. Page 6, line 3.

Following: "waste"

Insert: "management"

7. Page 6, line 4.

Following: "of"

Strike: "collecting" on line 4 through "district" on line 5

Insert: "planning and operating a solid waste management system  
as defined in 75-10-103"

8. Page 12, line 2.  
Strike: "20"  
Insert: "10"

9. Page 12, line 14.  
Strike: "joint"

10. Page 19, line 6.  
Strike: "17"  
Insert: "16"

11. Page 19, line 10.  
Strike: "18"  
Insert: "17"

Signed: Esther Bengtson  
Esther G. Bengtson, Chairman

Jan 2-16-91  
Amd. Coord.

2-16-91 11:15  
Sec. of Senate

Amendments to Senate Bill No. 189  
First Reading Copy

Requested by Sen. Beck  
For the Committee on Local Government

Prepared by Paul Sihler  
February 6, 1991

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 3

DATE 2-16-91

BILL NO. SB-189

1. Page 5, lines 15 and 16.  
Following: "refuse;" on line 15  
Strike: "hazardous wastes;"

2. Page 5, line 18.  
Following: "facilities;"  
Strike: "septic tank and cesspool pumpings;"

3. Page 5, line 20.  
Following: "wood" on line 20  
Strike: "wastes"  
Insert: "products or wood byproducts"

4. Page <sup>S</sup>5, line 21.  
Following: "materials."  
Strike: "The term"  
Insert: "\"Solid waste\""   
Following: "not"  
Strike: "include"  
Insert: "mean"

5. Page 5, line 24.  
Following: "lands"  
Insert: ", slash and forest debris regulated under laws  
administered by the department of state lands, or marketable  
byproducts "

Amendments to Senate Bill No. 189  
First Reading Copy

Requested by Senator Beck  
For the Committee on Local Government

Prepared by Connie Erickson  
February 15, 1991

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 3A

DATE ~~2-16-91~~

BILL NO. SB-189

1. Page 6, line 3.  
Following: "waste"  
Insert: "management"

2. Page 6, line 4.  
Following: "of"  
Strike: "collecting" on line 4 through "district" on line 5  
Insert: "planning and operating a solid waste management system  
as defined in 75-10-103"

3. Page 12, line 2.  
Strike: "20"  
Insert: "10"

4. Page 12, line 14.  
Strike: "joint"

5. Page 19, line 6.  
Strike: "17"  
Insert: "16"

6. Page 19, line 10.  
Strike: "18"  
Insert: "17"

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-91 Bill No. COMMITTEE Time \_\_\_\_\_

BILL  
REQUEST

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond		
Senator Harding	X	
Senator Kennedy	X	
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson  
Secretary

Senator Esther Bengtson  
Chairman

Motion: to request committee bill to  
convert 1 of Title 7.

NOTICE OF COMMITTEE EXECUTIVE ACTION

(Do not use for actions resulting in report to floor).

To: Secretary of the Senate

Dated this 16 day of February, 1991.

Committee: SENATE LOCAL GOVERNMENT

Bill: SB-221

Action: To Table SB-221

Signature

*Esther H. Bengtson*

Amendments to Senate Bill No. 224  
First Reading Copy

Requested by Senator Vaughn  
For the Committee on Local Government

Prepared by Connie Erickson  
February 15, 1991

SENATE LOCAL GOVT. COMM.  
EXHIBIT NO. 1  
DATE 2-16-91  
BILL NO. SB-224

1. Title, line 12.

Following: "PROGRAMS;"

Insert: "RESTRICTING THE TYPES OF AIR POLLUTION SOURCES THAT MAY  
BE REGULATED BY A LOCAL AIR POLLUTION CONTROL PROGRAM;"

2. Page 2, line 13.

Strike: "The"

Insert: "Except as provided in subsection (4), the"

Following: "board"

Insert: "by order"

3. Page 3, line 6.

Strike: second "program"

Insert: "permitting"

4. Page 3, lines 6 and 7.

Strike: "conducted" on line 6 through "75-2-215" on line 7

5. Page 3.

Following: line 7

Insert: "(4) Except for those emergency powers provided for in  
75-2-402, the board may not delegate to a local air  
pollution control program the authority to control any air  
contaminant source that:

(a) requires the preparation of an environmental impact  
statement in accordance with to Title 75, chapter 1, part 2;

(b) is subject to regulation under the Montana Major  
Facility Siting Act, as provided in Title 75, chapter 20; or

(c) has the potential to emit 250 tons per year or more  
of any pollutant subject to regulation under this chapter,  
including fugitive emissions, unless the authority to  
control the source was delegated to a local air pollution  
control program prior to January 1, 1991."

Renumber: subsequent subsections

6. Page 4, line 9.

Following: "chapter"

Insert: ", including the terms contained in any applicable board  
order,"

7. Page 5, line 3.

Strike: "(7)"

Insert: "(8)"



Amendments to Senate Bill No. 195  
First Reading Copy

Requested by Senator Bengtson  
For the Committee on Local Government ~~SENATE~~ LOCAL GOVT. COMM.

Prepared by Connie Erickson  
February 15, 1991

EXHIBIT NO. 7  
DATE 2-16-91  
BILL NO. SB-195

1. Page 2.

Following: line 10

Insert: "(10) "Public record" means any record or other written  
material in the possession of the county."

Renumber: subsequent subsections

2. Page 4, line 20.

Page 10, line 12.

Page 12, line 3.

Page 14, line 8.

Strike: "and"

3. Page 4, line 21.

Page 10, line 12.

Page 12, line 4.

Page 14, line 9.

Following: "facilities"

Insert: ", and sources of water"

4. Page 10, line 9.

Page 12, line 1.

Page 14, line 6.

Following: "facilities"

Insert: "of public record"

5. Page 11; line 25.

Following: "entity"

Insert: "within 60 days of its submission to the governing body"

6. Page 14, line 5.

Following: "entity"

Insert: "within 35 days of its submission to the governing body"

February 6, 1991

Senator Gene Thayer  
Montana State Legislature  
State Capital Building  
Helena, MT 59601

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 2A

DATE 2-16-91

BILL NO. SB-195

RE: SB 195 by Bengtson

Dear Gene;

As we discussed during our telephone conversation today, I am writing this letter to you to voice the concerns that I and some of my fellow Land Surveyors have with the above mentioned bill. Our concerns are outlined as follows:

*Zoning  
Planning  
Bd.*

1. We are concerned with who the review officials of the water user entity will be accountable to in this legislation. There is a long process of review by city, county, and state officials who are at least accountable to their superiors. This legislation offers no recourse to the land owner if a disagreement as to requirements of this legislation would arise with the reviewing officials.

2. The legislation proposed mentions nothing about the timeliness of the review by the reviewing officials for the water user entity. With the review time required for approval of a subdivision under present law at something between 6 months to a year, we feel any added time would be too much.

*Should  
be*

3. Under present law, easements are not required to be placed on Certificates of Survey, and are not usually shown unless the easements are beneficial to the survey or our clients. We feel the cost of research and survey of existing ditches for water user entities places undo burden on the public.

4. The proposal of SB 195 changes the intent of the Subdivison and Platting Act since it is not in the interest of the general public, but to the expense of the public in both the time and money required by landowners to abide by this proposed bill.

5. We feel that being required to place easements on new Certificates of Survey, as is proposed by this legislation, alters the existing definition of "Certificate of Survey" per Section 76-3-103(1), MCA, which reads "a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations".

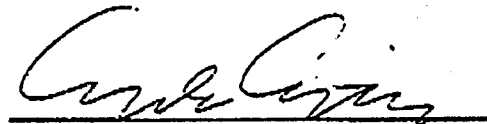
6. We feel that the place for utility and water course layouts should be on engineering drawings as is presently required by law and by the review of the Department of Health and Environmental Sciences, not on Certificates of Survey, the purpose of which is stated above.

7. Our experience while surveying in the Greenfield Irrigation District in Cascade and Teton Counties is that most of the easements are unrecorded, which leads to disagreement, and that the best source information is the entities' own drawings of the water courses. We find that easement widths and locations very seldom match use lines in the field, which leads to problems that landowners and land surveyors should not be required to solve at our expense to the benefit of the water users entity.

8. Although this bill may be revenue neutral to the State of Montana, it will not be neutral to the landowner. We feel that placing another burden on the landowner with no apparent benefit is unnecessary at this time of undue cost of government.

I hope that our concerns will be enough for you to help us stop this shortsighted and selfserving legislation. Thank you for your time and effort.

Sincerely yours,



Wade Woith, PE & LS  
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