EXHIBIT 16
DATE 1-18-05
HB 133

Madison County Board of Commissioners

Commissioners
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January 18, 2005

Chairman Noennig and members of the committee:

I am Frank Nelson, a Madison County Commissioner. With me today is fellow Madison County Commissioner David Schulz. We are here in support of H.B. 133 entitled "An act clarifying that fencing attached to or abutting a county road is not considered an encroachment under certain circumstances." H.B. 133 is supported by the Montana Association of Counties with high priority after consideration by the MACo Ag Committee and the MACo Transportation Committee.

Madison County, like most Montana counties, has, from the time that county road rights-of-way have been fenced, and county bridges have been built, allowed landowners to build fences across county rights-of-way from landowner fences to county bridge abutments. This was done for safety reasons, as this is a better way of keeping stock off the county roads than fencing straight across streams either with or without a so called "trash fence", or building fences to the edges of a stream and stopping.

Section 7-14-2130, MCA, already allows for the building of fences in the right-of way for the installation of cattle guards. It follows that for the safety of the traveling public, fences to bridges are reasonable. We believe section 7-14-2134, MCA, in its present form allows fences to bridges. However, to remove all doubt, we have asked that this legislation be introduced.

Thank you for your consideration. We urge passage of this bill.

Sincerely,

Frank G. Nelson
Commissioner

David Schulz
Commissioner