

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**STATE ADMINISTRATION COMMITTEE**

DATE 3-22-05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. LARRY JENT, CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. DEE BROWN, VICE CHAIR	✓		
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO	✓		
REP. SUE DICKENSON	✓		
REP. EMELIE EATON	✓ 8:40		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES	✓		
REP. GARY MacLAREN	✓ 8:25		
REP. BRUCE MALCOLM	✓ 8:05		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		

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**COMMITTEE FILE COPY**

**TABLED BILL**

The **HOUSE STATE ADMINISTRATION COMMITTEE** TABLED **HB 785**, by motion, on **Tuesday, March 22, 2005**.

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(For the Committee)

*M. Peter*

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(Chief Clerk of the House)

*1 3/22*

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(Time) (Date)

March 22, 2005

Marion A. Mood, Secretary

Phone: 444-1864

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# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### STATE ADMINISTRATION COMMITTEE

DATE 3-22-05 BILL NO HB 285 MOTION NO. 1  
 MOTION: DPAA

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO	✓ P		✓
REP. SUE DICKINSON	✓		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓	
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN		✓	

7 : 9



**Montana House of Representatives  
Visitors Register**

STATE ADMINISTRATION COMMITTEE

Date 3-22-05

SB 88 SB 302

Bill No. SB 384-SB 500 Sponsor(s) \_\_\_\_\_

**PLEASE PRINT \* PLEASE PRINT PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Wane Winslow	Y. County	302-88		
<del>Glenn Gravelly</del>	<del>SDA</del>	<del>88-302-500</del>		
Dickie Zeeb	Missoula Co.	88-302		
Robert Throssell	MT Assoc. Clerk/Rec	88/302/500		
Darrell Holzer	MT AFL-CIO	88/302		
Jeanne-Marie Soulikey	MCU	88/302		
<del>Ray Bruch</del>	<del>AARP MT.</del>	<del>88/302</del>		
John Pinski	MACo/Carbon Co	88/302		
Brad Martin	MT Democratic Party	88/302 <sup>500</sup>		
Terry Kendrick	MWV	88/302		
Jessica Greenman	ASUM	88/302/500		
ANITA ROESMANN	INHP	500/302		
Jan Brascum	SOS	384		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



### Jefferson County - State Land Division

- |   |                                 |   |                              |
|---|---------------------------------|---|------------------------------|
|  | 06r04w33-state_land_No Boulder  |  | Current MDOT Road Stop       |
|  | Future Stockpile                |  | Current_ILDC                 |
|  | Future Wastewater System        |  | Jefferson County Fairgrounds |
|  | Current Jefferson High School   |  | Current North Campus MDC     |
|  | Future Jefferson High School    |  | State_outline.stp            |
|  | Current JeffCo Transfer Station |   |                              |

### Jefferson County Roads

- |   |                    |
|---|--------------------|
|  | Whitehall          |
|  | Interstate         |
|  | Major Collector    |
|  | Minor Collector    |
|  | Local              |
|  | Rural              |
|  | Driveway           |
|  | Gate               |
|  | Landing Strip      |
|  | Maint Lev A        |
|  | Maint Lev B        |
|  | Maint Lev C        |
|  | Maint Lev D        |
|  | Maint Lev Z - None |
|  | Z-NFS              |
|  | NFS                |
|  | BLM                |
|  | Boulder            |

**Process and Criteria for Consultation on Land Transfers  
Issue Summary – March 22, 2005  
Prepared for the Legislative Council  
by  
Jan Ward, Land Use Specialist,  
DNRC Trust Land Division**

**Introduction**

§77-2-302, MCA, and §77-2-351, MCA, authorizes the Board of Land Commissioners to dispose of, sell, or exchange certain state lands after consultation with the appropriate legislative committee. Since 1996, review of proposed transfers has appeared on the Council agenda on a number of occasions.

**Process**

Both sections provide that it is the Land Board that consults with the appropriate legislative committee. The Council should consult on land transfers on referral from the Land Board. The Council should authorize the chairman to set a consultation on the agenda when the Land Board presents a timely request with documentation meeting the adopted criteria as provided in the "summary" section of this document.

Following the consultation, the Council should adopt a motion to the effect that consultation, required by either §77-2-302, MCA, or §77-2-351, MCA, as appropriate for the subject proposal, has occurred. Should the Council have recommendations or concerns for the Board to consider, they may be added. There is no need to state an opinion since there is no authority to approve or reject a proposal.

**March 22, 2005 Testimony: Proposed Property Transfer between Department of Corrections and Jefferson County.**

Currently, the Dept. of Corrections (DOC) owns a property that was obtained from the Department of Institutions by Executive Order in May 2000, when all of the properties and corresponding responsibilities were delegated to DOC and Department of Public Health & Human Services (DPHHS).

The Department of Natural Resources (DNRC), on behalf of DOC, is bringing a proposal for the transfer of the stockpile area from DOC to the Jefferson County (County,) to you for consultation. This parcel is located in the north central portion of the South Campus of the former Montana Developmental Center (MDC) just south of the Boulder River. It is a low area south of the river berm that was constructed after the flood in 1981 and consists of approximately 5 acres immediately adjacent (east) to the County Road Department and shop facility. DOC proposes to transfer title of the land to Jefferson County (County) for a stockpile storage site for aggregate, occasional-use equipment, and etc. with a binding commitment that the property will be used for a public purpose.

**Benefit to State** – The subject property lies in the north central part of the South Campus, for which DOC has no further use. Because it is a low area, it could be a hazard to those walking or driving in the area, and by its location adjacent to the current County Road Dept. and shop facility, it is a desirable location for a stockpile for aggregate, occasional-use equipment, and etc. The County is currently using the property under a Land Use License from DOC until June 30, 2005 to allow adequate time for the §77-2-351, MCA, transfer process to be completed. The County desires to continue using the property and is willing to make a commitment that the property will continue to serve the community for a public purpose.

## Summary

**Criteria:** §77-2-351, MCA – Transfer of property to a public entity.

1. What lands are involved?

- a. Provide an accurate description of the property involved including legal description and acreage involved.

**The subject property is located in Section 33, Township 6 North, Range 4 West immediately south of the Boulder River. This is a low-lying area of approximately 5 acres south of the river berm that was constructed after the flood and adjacent to the current County Road Department and shop area. It is not desirable for future construction, but is a good location for a stockpile for the County. This parcel will abut the County property on the west, an interior private road on the east and south and extend to the center of the river on the north. (Green parcel on the master map.) There will be no gaps between this parcel and the adjoining land.**

- b. Provide a general location map showing graphically the same information as required above.

**See Master Map accompanying this packet.**

2. Are there restrictions on the transfer?

- a. Provide an affidavit documenting whether the land is or is not granted to or held by the State in trust for the support of the common schools, for a state institution, or for another specific purpose.

**The affected DOC lands are non-trust state-owned lands.**

- b. Provide an affidavit indicating any known restrictions on the transfer or stating that there are none.

**There are no known restrictions.**

3. Are the terms of the proposed transfer in the best interest of the state?

- a. Document the proposed terms of the transfer and any alternative terms that may have been considered.

**The property will be transferred to Jefferson County for continued use as their stockpile storage area for the County Shop. The County commits to use the property for a public purpose, as required by §77-2-351, MCA.**

- b. If the transfer involves a binding commitment to use the property to provide a community service or a benefit that fulfills a public purpose, provide documentation showing the details of the commitment.

**The County will be using this property for a stockpile of aggregate and for the storage of occasional-use equipment.**

- c. Document that the transferee is a "public entity" as that term is used in §77-2-351, MCA.

**A county government is a public entity as provided in §77-2-351, MCA.**

4. Is the manner of the transfer in accordance with public policy?

- a. Document the proposed manner of the transfer including plans for the required 60-day notice period.

**At least 60 days prior to the Land Board's final decision in this regard, notice of the proposal will be published in a newspaper(s) of general circulation in the affected area and opportunity for public comment. A hearing will be held if deemed necessary by DNRC as determined by the receipt of any opposition to the transfer.**

**Process and Criteria for Consultation on Land Transfers  
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**March 22, 2005 Testimony: Proposed Property Transfer between the Department of Corrections and the City of Boulder.**

The Department of Natural Resources (DNRC), on behalf of DOC, is bringing a proposal for the transfer of the wastewater pipeline and lagoons from DOC to the City of Boulder (City) to you for consultation.

Currently, the Dept. of Corrections (DOC) owns a property that was obtained from the Department of Institutions by Executive Order in May 2000, when all of the properties and corresponding responsibilities were delegated to DOC and Department of Public Health & Human Services (DPHHS). The property has been used as a wastewater filtration system that was originally constructed by the Department of Institutions (DOI) for the Boulder River School and Hospital. The City entered into an agreement to hook into the wastewater system, which was then under the management of DOI. When the water wells and water storage tanks were discontinued, the City supplied MDC and Riverside with water and took over the management of the lagoons. The City makes a commitment to DOC that the property will continue in its present use and there will be a binding commitment in the Deed that the property will be used for a public purpose.

**Benefit to State** – The State and City have an agreement as to the operation and maintenance of the lagoons. The City is currently performing any maintenance on the pipeline and lagoons and foresee a need to add to the capacity in the near future. In lieu of compensation, the City provides water to DOC's property at Riverside and was allowed to hook into the sewer and lagoon system that belong to the State, originally belonging to the Department of Institutions. DOC has no future plan or purpose in mind for the property. The City has been co-using the property for a few years and the property will continue to serve a community or public purpose in the same use.

## Summary

**Criteria:** §77-2-351, MCA – Transfer of property to a public entity.

1. What lands are involved?

- a. Provide an accurate description of the property involved including legal description and acreage involved.

**The subject property is located in Section 33, Township 6 North, Range 4 West, comprising approximately 50-60 acres. (Survey has been ordered but not yet received, so exact acreage is not available.) It lies north of the Little Boulder River from the city limits at 4<sup>th</sup> Ave. and Muskrat Lane across the center of the SE4 to the East line of the SE4 of Section 33. (Yellow parcel on the master map.)**

- b. Provide a general location map showing graphically the same information as required above.

**See the Master Map accompanying this packet.**

2. Are there restrictions on the transfer?

- a. Provide an affidavit documenting whether the land is or is not granted to or held by the State in trust for the support of the common schools, for a state institution, or for another specific purpose.

**The affected DOC lands are non-trust state-owned lands.**

- b. Provide an affidavit indicating any known restrictions on the transfer or stating that there are none.

**There are no known restrictions.**

3. Are the terms of the proposed transfer in the best interest of the state?

- a. Document the proposed terms of the transfer and any alternative terms that may have been considered.

**The property will be transferred to the City of Boulder for continued use as their wastewater pipeline and lagoons. The City commits to use the property for a public purpose, as required by §77-2-351, MCA.**

- b. If the transfer involves a binding commitment to use the property to provide a community service or a benefit that fulfills a public purpose, provide documentation showing the details of the commitment.

**This use meets the requirement of §77-2-351, MCA, in that it provides for a community service or a benefit that fulfills a public purpose.**

- c. Document that the transferee is a "public entity" as that term is used in §77-2-351, MCA.

**A city government is a public entity as provided in §77-2-351, MCA.**

4. Is the manner of the transfer in accordance with public policy?

- a. Document the proposed manner of the transfer including plans for the required 60-day notice period.

**At least 60 days prior to the Land Board's final decision in this regard, notice of the proposal will be published in a newspaper(s) of general circulation in the affected area and opportunity for public comment. A hearing will be held if deemed necessary by DNRC as determined by the receipt of any opposition to the transfer.**

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**March 22, 2005 Testimony: Proposed Property Transfer between Department of Corrections and the Jefferson County High School.**

The Department of Natural Resources (DNRC), on behalf of DOC, is bringing a proposal for the transfer of the half the high school football field and practice field that lie on state land from DOC to Jefferson County High School District (High School) to you for consultation. This parcel is located in the western portion of the North Campus of Montana Developmental Center (MDC) north of the Boulder River.

Currently, the Department of Corrections (DOC) owns a property that was obtained from the Department of Institutions by Executive Order in May 2000, when all of the properties and corresponding responsibilities were delegated to DOC and Department of Public Health & Human Services (DPHHS). The high school practice field and a large part of the football field are on DOC's property and have been used by the high school district for the last twenty years. An ecological outdoor classroom, maintained by the ecology classes, was established two years ago in the northeastern part of the parcel abutting the current MDC campus. The High School makes a commitment to DOC that the property will continue in its present use and there will be a binding commitment in the Deed that the property will be used for a public purpose.

**Benefit to State** – The property is not under lease to the High School. The High School has been using this property since the 1950's when it was built (for 50+ years) and just recently was discovered that half of the football field, the practice field and an ecological center were actually on State land. The High School desires to continue using the property and is willing to make a commitment that the property will continue to serve the community for a public purpose.

## Summary

**Criteria:** §77-2-351, MCA – Transfer of property to a public entity.

1. What lands are involved?

- a. Provide an accurate description of the property involved including legal description and acreage involved.

**The subject property is located in the western portion of the North Campus of Montana Developmental Center (MDC) north of the Boulder River in Section 33, Township 6 North, Range 4 West, comprising approximately 5 acres. It is bordered on the north by the High School, on the east by the current MDC campus, on the south by the Boulder River, and on the west by US Highway 69. (Red parcel on the master map.) There will be no gaps between this parcel and the adjoining land.**

- b. Provide a general location map showing graphically the same information as required above.

**See Master Map accompanying this packet.**

2. Are there restrictions on the transfer?

- a. Provide an affidavit documenting whether the land is or is not granted to or held by the State in trust for the support of the common schools, for a state institution, or for another specific purpose.

**The affected DOC lands are non-trust state-owned lands.**

- b. Provide an affidavit indicating any known restrictions on the transfer or stating that there are none.

**There are no known restrictions.**

3. Are the terms of the proposed transfer in the best interest of the state?

- a. Document the proposed terms of the transfer and any alternative terms that may have been considered.

**The property will be transferred to the Jefferson County High School for continued use as their football and practice fields. The High School commits to use the property for a public purpose, as required by §77-2-351, MCA.**

- b. If the transfer involves a binding commitment to use the property to provide a community service or a benefit that fulfills a public purpose, provide documentation showing the details of the commitment.

**These uses fulfill the requirement of §77-2-351, MCA, in that they provide for a community service or provide a benefit that fulfills a public purpose.**

- c. Document that the transferee is a "public entity" as that term is used in §77-2-351, MCA.

**A school district is a public entity as provided in §77-2-351, MCA.**

4. Is the manner of the transfer in accordance with public policy?

a. Document the proposed manner of the transfer including plans for the required 60-day notice period.

**At least 60 days prior to the Land Board's final decision in this regard, notice of the proposal will be published in a newspaper(s) of general circulation in the affected area and opportunity for public comment. A hearing will be held if deemed necessary by DNRC as determined by the receipt of any opposition to the transfer.**

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**March 22, 2005 Testimony: Proposed Property Transfer between the Department of Corrections and Jefferson County.**

Currently, the DOC owns some property that was given to them when the Department of Institutions was separated into DOC and Department of Public Health & Human Services (DPHHS). The property was formerly used as the farm for the Boulder River School and Hospital and is located on the Little Boulder Road approximately 0.05 miles south of US Highway 69. (Red parcel on the master map.) DOC proposes to transfer title to the land and buildings to Jefferson County (County) for the County fairgrounds with a binding commitment that the property will continue to be used for a public purpose.

The Department of Natural Resources (DNRC), on behalf of DOC, is bringing a proposal for the transfer of the Jefferson County Fairgrounds from DOC to Jefferson County (County) to you for consultation. The County makes a commitment to DOC that the property will continue in its present use and there will be a binding commitment in the Deed that the property will be used for a public purpose.

The County has used this property as their fairgrounds under a lease agreement since 1981. The lease has been extended until June 30, 2005 to allow adequate time for the §77-2-351, MCA transfer process to be completed. Most of the buildings have been maintained, cleaned, painted, repaired and modernized with electricity during the term of their lease. Other improvements have been made to the grounds.

**Benefit to State** – The State receives minimal rent on the property through the lease agreement with the County and there is no future planned purpose in mind for the property. The County has been using the property as their fairgrounds for over 20 years and the property will continue to serve community or public purpose in the same use for many years to come.

## Summary

**Criteria:** §77-2-351, MCA – Transfer of property to a public entity.

1. What lands are involved?

- a. Provide an accurate description of the property involved including legal description and acreage involved.

**The subject property is located in the SW4SW4 of Section 33, Township 6 North, Range 4 West, comprising approximately 21 acres and several buildings. It lies south of Boulder on the Little Boulder Road approximately 0.05 miles south of US Highway 69. (Red parcel on master map.)**

- b. Provide a general location map showing graphically the same information as required above.

**See the Master Map accompanying this packet.**

2. Are there restrictions on the transfer?

- a. Provide an affidavit documenting whether the land is or is not granted to or held by the State in trust for the support of the common schools, for a state institution, or for another specific purpose.

**The affected DOC lands are non-trust state-owned lands.**

- b. Provide an affidavit indicating any known restrictions on the transfer or stating that there are none.

**There are no known restrictions.**

3. Are the terms of the proposed transfer in the best interest of the state?

- a. Document the proposed terms of the transfer and any alternative terms that may have been considered.

**The property will be transferred to Jefferson County for continued use as their county fairgrounds. The County commits to use the property for a public purpose, as required by §77-2-351, MCA.**

- b. If the transfer involves a binding commitment to use the property to provide a community service or a benefit that fulfills a public purpose, provide documentation showing the details of the commitment.

**This use meets the requirement of §77-2-351, MCA, in that it provides for a community service or a benefit that fulfills a public purpose.**

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