



SENATE STANDING COMMITTEE REPORT

January 28, 2005

Page 1 of 2

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 162** (first reading copy -- white) do pass as amended.

Signed: _____

Senator Jeff Mangan, Chair

And, that such amendments read:

1. Title, line 5.

Following: "EMPLOYEES"

Insert: "AND CITY OR TOWN OFFICERS AND EMPLOYEES"

2. Title, line 7.

Following: "ATTORNEY"

Insert: "OR CITY OR TOWN ATTORNEY"

Following: "RECORDER"

Insert: "OR CITY OR TOWN CLERK"

3. Title, line 13.

Following: "2-9-703,"

Insert: "2-9-803, 2-9-804,"

4. Page 1, line 26.

Following: "bonded"

Insert: "for the faithful performance of all official duties required by law"

5. Page 2.

Following: line 12

Insert: "Section 4. Section 2-9-803, MCA, is amended to read:

"2-9-803. ~~Form --- coverage --- approval~~ **City and town officers and employees to be bonded.** (1) A bond may cover an

Committee Vote:

Yes 11, No 0.

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individual officer or employee or a blanket bond may cover all officers and employees or any group or combination of officers and employees.

~~(2) All official bonds covering a group of elected and appointed city or town officers or employees shall be made upon the same conditions as are required of a principal under subsections (1) through (3) of 2-9-504, except that the bond need not be signed by each officer and employee must be bonded for the faithful performance of all official duties required by law.~~

~~(3) The form of bonds for city or town officers and employees must be approved by the city or town attorney and filed and recorded in the office of the city or town clerk."~~

Insert: "Section 5. Section 2-9-804, MCA, is amended to read:

"2-9-804. Purchase -- responsible surety. (1) The city or town council or commissioners shall purchase all surety bonds for city officers and employees.

(2) Bonds purchased by the city or town council or commission must be executed by responsible insurance or surety companies authorized and admitted to execute surety bonds in this state or by a self-insurance pool insuring cities or towns as authorized under 2-9-211."

Renumber: subsequent sections

- END -

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR Jeff Mangum TO VOTE MY PROXY
ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON _____ MEETING HELD ON 1/29/05,
2003.

Carolyn Agnew
SENATOR
STATE OF MONTANA

MONTANA STATE SENATE 2005 LEGISLATURE

VISITOR REGISTER

DATE JANUARY 27, 2005

SENATE COMMITTEE ON LOCAL GOVERNMENT

BILLS BEING HEARD TODAY SB 222, SB 225, SB 173, SB 173

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Dick Boehmer	549-3421	MT Ch. Sierra Club	SB 173	✓	
Doug McCollum	287-3482	LAND OWNER	SB 173		✓
Dick Ainsworth	728-1880	Land owner	SB 173		✓
John + Mary Leuthauck	801-943-5624	land owner	SB 173		✓
Keith L. Colbo	443-1573	MIB	SB 225	✓	
Jim Kembel	439-6791	MT ASSOC. OF REGISTERS RED LAND SURVEYORS	SB 173		✓
Jeff Claffee	442-5768	Southern MT Electric G21 Cooperator	SB 173		✓
Steph Frazier	443-3424	SELF	SB 173	X	
Scott Bosse	586-0922	Greater Yellowstone Coalition	SB 173	X	
NATHAN BERKMAN	588-0227	MT Wildlife Federation	SB 173	X	
Janet Ellis	443-3949	AMER. FISH. SOC. MT Audubon	SB 173	X	
Mary Anne Guggenheimer	443-5006	self / MT River Action Net	SB 173	✓	
Daniel Watson	346-2251	ROSEBUD COUNTY	SB 222	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE 2005 LEGISLATURE

VISITOR REGISTER

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY _____

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Leslie McClain	493-2520	MEIC	SB 173	✓	
Harold Blattie	4-4360	MACS	SB 173 SB 225 SB 225	✓	✓
Alex Pilcher	942-3420	MT Stock Growers	SB 173		X
Jami McCall	670-3084	City of Boz			
Roxann Lincoln	442-8135	Roxann Lincoln Consulting	SB 173	✓	
Jon Dilland	444-2409	DEQ	SB 173	information	
John Youngberg	570-4103	MFBS	SB 173		X
Tom Lynch		MAT	SB 222		
Steve Turkiewicz	443-4121	MBA	SB 225	✓	
Bill Myers	837-5617	BAYSIDE PARK + MARINE CENTER LLC PONTON SCENIC CRUISES ETC	SB 173		X
A. Goodwin	841-2920	Dept of Adm	SB 225	X	
Cary Hegreberg	2-4162	Contractors Assn.	SB 173		X
Alec Hauer	2-8768	MCT	SB 225 SB 225	X	

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PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE 2005 LEGISLATURE

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SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY _____

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Caro Schweitzer	443-8174	Kalispell Chamber	SB 222	✓	
M. S. KAKUK	443-7288	MT. Assoc. Realtors	SB 173		✓
M. S. KAKUK	443-7288	MT Building Ind. Assoc.	SB 173		✓
ADD Kletke	626-2526	SELF	SB/173		
MARK CROWLEY	752-6275	SELF	"		
DAVID L. NIELSEN	452-8505	Uderna	SB 779	X	
RICHARD BONDY	442-5763	Self	SB 173		
Gay Amosteg	443-2370	Rockland Econ Development	SB 225	X	
Gay Amosteg	443-2370	Rockland Econ Development	SB 222		
David Reardon	444-6302	Dept of Trans	SB 173	info	
Don Allen	443-5541	WETA	SB 173		✓
Glenn Orzol	443-4032	MT Assoc. of Reg. Itors	SB 173		X
Julia Page	848-7571	Northern Plains Res Com.	SB 173	X	

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MONTANA STATE SENATE 2005 LEGISLATURE

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SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY _____

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Paul Roos	793-5060	SELF	SB 173	✓	
Carolyn Laws	549 6130	SELF	SB 173	✓	
Jack & Mava	642-6548	3. Harriet Chapter ^{Treat} Unlimited	SB 173	✓	
Michelle Reinhart	670-3441	passed out testimony from Margaret & Dale ^{SB} Vermillion 173	SB 173	X	
Jason Todhunter	253-3806	Montana Logging Assoc	SB 173		X
Ann Hedges	443-2500	MEIL	SB 173	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Kirby, Jenn

From: KBIRCK@aol.com
Sent: Wednesday, January 26, 2005 1:23 PM
To: Kirby, Jenn
Cc: KBIRCK@aol.com
Subject: Comments on SB 17: *Add'l Documents* idors

Wednesday, January 26, 2005

Dear Chairman Jeff Mangan, Senators and Committee members,

We are writing to comment on Senate Bill 17 regarding riparian development within 100 yards of rivers. We are using our situation as an example to help the committee understand the potential impact of this legislation, but we suspect there are many other property owners who will be negatively impacted by this bill as written.

We have read the full text of the bill and it seems that the intent of the bill is to prevent flood damage, erosion, and loss of riparian vegetation within the new "water management corridors." Yet the proposal does not exempt riverfront homesites that are high and dry atop riverfront bluffs or cliffs, well out of the flood plain.

A new requirement to relocate our building site 300 feet from the Blackfoot River on our 2.5 acre lot on Ninemile Prairie Road in Missoula County would effectively eliminate its value as a recreational homesite, since any home would have to be built practically on top of the unpaved, dusty county road.

Because of the height of the riverbank at our location, we would lose our river view if we were forced to build so far away from the river. Our investment would be greatly reduced in value, and it would be difficult to find buyers at any price, much less the premium price we paid for this once-ideal building site. That sounds like a "taking" to us.

We are already restricted by a 100-foot setback for our septic system, and we are located well above the high water mark, perhaps 50 vertical feet above. The bank along this straight stretch of river is not subject to much erosion and there is little existing riparian vegetation to protect. At any rate, a house built in our chosen location would not affect riparian habitat, flooding, erosion, water quality or any of the stated objectives in the proposed regulation. The only possible impact our homesite could have would be that the house would be partly visible from the water. But there are other houses on similar sites along this stretch of river. And the bill does not state that "view from the water" is one of the impacts it attempts to regulate.

The proposed bill allows for variances in cases of unnecessary or undue hardship, but does not define "unnecessary or undue hardship." It also does not require a variance to be granted in such cases, leaving it up to the sometimes capricious judgment of the "political subdivision administration," in our case the Missoula County Commissioners. If they are not in the mood to allow us to build our home in the location we have chosen - even though our building site poses no hazard to any of the floodplain features protected by the legislation - we will be denied a variance. Plus we will have to pay to have the variance request processed, whether or not it's approved!

This does not seem fair. There are 5 or 6 other homes on similar high and dry sites along this stretch of river, but that does not guarantee that the Commissioners will permit another. From long experience observing county government in action, we fear that we will be forced to build as close to the road as possible and this is not acceptable to us.

Our only recourse, if this bill passes in its present form, would be to dig in a septic system as soon as possible and start construction immediately, before the July 1 deadline. We suspect other property owners will have the same response. The irony is we probably would not have built on this property for many years, if at all. This bill will actually encourage reckless development of riverfront parcels to beat the deadline.

The solution to this problem is to exempt already-platted lots and tracts from this regulation, making it apply to new subdivisions of land only. Or exempt tracts smaller than 5 acres that were already platted at the time of

1/27/2005

Senate Local Govt. Comm.
Exhibit No. _____
Date 01-27-05
Bill No. SB162

Amendments to Senate Bill No. 162
1st Reading Copy

Requested by Senator Jeff Mangan

For the Senate Local Government Committee

Prepared by Leanne Kurtz
January 14, 2005 (1:14pm)

1. Page 1, line 26.

Following: "bonded"

Insert: "for the faithful performance of all official duties
required by law"

- END -

Senate Local Govt. Comm.
Exhibit No. _____
Date 01-27-2005
Bill No. SB 162