

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By Senator Kennedy, on January 19, 1993, at  
1:00 p.m.

**ROLL CALL**

**Members Present:**

Sen. Ed Kennedy, Chair (D)  
Sen. Sue Bartlett, Vice Chair (D)  
Sen. Dorothy Eck (D)  
Sen. Delwyn Gage (R)  
Sen. Ethel Harding (R)  
Sen. John Hertel (R)  
Sen. David Rye (R)  
Sen. Bernie Swift (R)  
Sen. Eleanor Vaughn (D)  
Sen. Mignon Waterman (D)  
Sen. Jeff Weldon (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Council  
Rosalyn Cooperman, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 92, HB 54, HB 80  
Executive Action: SB 50, SB 63, SJ 5, HB 54

**HEARING ON HB 80**

**Opening Statement by Sponsor:**

Representative Mc Caffree, House District 27, distributed to the members of the Committee a handout which explained HB 80. (Exhibit #1) He stated HB 80 would allow county treasurers to collect revenue gained from the lease of county property and disperse it based on the current year. Representative Mc Caffree said HB 80 would permit county treasurers to disperse funds as they are collected and would simplify the current system.

**Proponents' Testimony:**

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his organization's support for HB 80.

Mr. Cort Harrington, Montana County Treasurers Association, stated his organization's support for HB 80.

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Bartlett stated the Lewis and Clark county treasurer's office often receives income which is not sizeable enough to be distributed as it is collected. Rep. Mc Caffree stated it was his opinion such matters would be left to the discretion of the county treasurers. Senator Bartlett wondered if the language in HB 80 would permit the dispersement of funds as sufficient amounts accumulated. Mr. Morris stated this provision is consistent with the treatment of all other revenues.

Senator Kennedy asked Mr. Morris if the Senate Local Government Committee had heard a similar bill during the last session. Mr. Morris replied there was a bill in the last session which limited the distribution across the tax matrix to a fixed dollar amount. Mr. Morris thought this provision would apply to HB 80. Connie Erickson thought the provision pertained to amounts of twenty five dollars or less.

Senator Gage asked Mr. Morris what kind of funds are classified as trust funds of the county. Mr. Morris replied monies deposited in the forest reserve account is an example of a trust fund.

Connie Erickson stated the Committee passed a bill last session referring to the deposit of non-tax revenue which permitted a county treasurer to deposit into the general fund any non-tax revenue of twenty five dollars or less received by the county with the exception on non-tax revenues earmarked for a specific fund. She said this provision does not require the small amounts to go into the general fund. Senator Kennedy asked Ms. Erickson if the language in HB 80 contradicted existing law. She replied she did not think it would since existing law is discretionary and does not require the deposit of small amounts to the general fund.

Senator Eck asked if passage of HB 80 would undo what they passed in 1991. Connie Erickson said they would not because HB 80 was drafted to conform with two sections of existing law pertaining to lease revenue so all lease revenue would be distributed in a single manner. Senator Gage suggested the Committee add a reference to the existing section which exempts amounts of twenty five dollars or less for clarification. Senator Bartlett asked Rep. Mc Caffree if the addition of the amendment would pose a threat to the passage of HB 80 in the House. Rep. Mc Caffree replied he did not think the amendment would be problematic. Senator Gage stated he thought the Committee would not even need the amendment since the language of HB 80 states, "All revenue derived from leases authorized by 7-8-2232, except as otherwise provided". Senator Kennedy asked Connie Erickson if this language would take care of Senator Bartlett's concerns, to which Ms. Erickson agreed.

Senator Eck asked the Committee to delay taking any executive action on HB 80 until Connie Erickson had the opportunity to examine whether or not a reference should be made in HB 80 to the existing statute which exempts amounts of twenty five dollars or less.

**Closing by Sponsor:**

Representative Mc Caffree stated HB 80 is a good housekeeping bill and asked the Committee do whatever is necessary to ensure its passage.

**HEARING ON HB 54**

**Opening Statement by Sponsor:**

Representative David Ewer, House District 45, stated HB 54 would eliminate the requirement that local governments send a copy of their notice of sale for bond issuance to the Board of Investments. He said, as the Bond Program Officer for the Montana Board of Investments, he throws away local government notices of sale because they are of no interest to the Board. Rep. Ewer concluded this requirement is an expensive piece of busywork for local governments.

**Proponents' Testimony:**

Mr. Alec Hansen, Montana League of Cities and Towns, stated his organization's support for HB 54.

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his organization's support for HB 54.

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

None.

**Closing by Sponsor:**

Representative Ewer stated this same requirement for schools was eliminated during the last session.

**EXECUTIVE ACTION ON HB 54**

**Motion/Vote:**

Senator Weldon moved HB 54 BE CONCURRED IN. MOTION PASSED UNANIMOUSLY.

**HEARING ON SB 92**

**Opening Statement by Sponsor:**

Senator Terry Klampe, Senate District 31, stated SB 92 would permit the formation of a park district having territory in more than one county. He said SB 92 was drafted for two reasons. First, SB 92 would make it possible for park districts to encompass land in more than one county. Second, SB 92 would make the procedure for creating a park district uniform with the procedure for creating all other districts. Senator Klampe stated he discussed SB 92 with other county clerk and recorders who agreed SB 92 was a good idea. He said an example of the changes sought by SB 92 could be found on page 1 line 17 which states, "A county, a part of a county, or territory in more than one county". He said the Florence Civic Club is authorized to sell only hot dogs and other concession items to support the park in Florence since existing statute allows park districts to exist in only one county.

**Proponents' Testimony:**

Ms. Marjorie Lubinski, President, Florence Civic Club, spoke from prepared testimony in support of SB 92. (Exhibit #2) She also submitted two letters in support of SB 92 from Florence residents. (Exhibits #3 and #4)

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his support for SB 92. He said he viewed SB 92 as a multi-jurisdictional bill and requested the Committee consider not changing the election requirement from a majority to forty percent voter turnout as requested on page 5 line 2. Mr. Morris stated counties have experienced difficulties with the forty percent turnout requirement and believed the majority vote required in existing law was sufficient.

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Gage asked why on page 6 subsection 4 the petition for nomination must be filed by the county which owns more of the land in the park district instead of by both counties. Connie Erickson replied the requirement conforms with the sewer district laws. Senator Bartlett added there are provisions in the law which specify the clerk in the county with the largest amount of territory is also the clerk in charge of the election.

Senator Rye asked Senator Klampe if he objected to the amendment offered by Mr. Morris to change the election requirement from a forty percent voter turnout to a majority. Senator Klampe said he did not object to the amendment and thought it might make things easier as far as he was concerned. Senator Weldon asked Connie Erickson if she knew why the forty percent voter turnout, not a majority, was specified in SB 92. Ms. Erickson stated the forty percent voter turnout requirement was in compliance with water and sewer district laws.

Senator Bartlett asked why the date for park district elections was changed from school to city elections. Connie Erickson replied the change was consistent with water and sewer district laws. Senator Bartlett told Senator Klampe that SB 92, as currently written, states elections for park district commissioners would be held in November of odd numbered years with elections for incorporated cities. Prior to SB 92, park

district elections were held in the first week in April of every year with school district elections. Senator Bartlett asked Senator Klampe which election date he preferred for the election of park district commissioners. Senator Klampe replied he preferred holding elections for park district commissioners every other year as is done with city elections to keep some consistency.

Senator Eck asked why the election date for park district commissioners was changed from annually to every other year. Senator Bartlett replied most other special district governing bodies are elected in conjunction with the school election.

Senator Kennedy asked whether or not the only change suggested to SB 92 at present was to change the voting requirements from forty percent to a majority, to which Connie Erickson agreed.

#### Closing by Sponsor:

Senator Klampe stated SB 92 would be a needed change in the law. He said the Florence Civic Club decided to use the school district boundary in determining the area to be taxed. Senator Klampe concluded Representative Stanford would carry SB 92 in the House.

#### EXECUTIVE ACTION ON SB 50

#### Discussion:

Connie Erickson stated there were a number of amendments suggested to SB 50. She said the Committee decided not to amend the title to specify public land management agencies. Ms. Erickson also said she would recommend the Committee consider adding a sentence on to page 3, Section 3, subsection 3 to read, "The offer must be made in writing and mailed to the agency", to clarify formal notification of abandonment. She said another concern of the Bureau of Land Management (BLM), Department of State Lands (DSL) and the Committee pertained to whether or not an agency would be required to maintain roads for which they had accepted responsibility. She said the amendments offered by the BLM and DSL did not conflict with one another, however, one amendment says the accepting agency was not required to maintain roads while the other says they may. Ms. Erickson said the final concern of the Committee pertained to the procedure by which land is deeded over to the accepting agency. She said she spoke with Mr. Paul Stahl, the Deputy County Attorney for Lewis and Clark County, who voiced a few concerns about SB 50. First, Mr. Stahl stated roads with deeds may be transferred, however, roads with out deeds must first be surveyed before they can be deeded over which is cost prohibitive. Mr. Stahl added a new deed on a road must reference a pre-1973 deed in order to be used to transfer a road. He said many old roads which have deeds are no longer

located in their original place as noted by the original deed. Mr. Stahl also said it must be absolutely clear the county has given up responsibility for the road. He noted some public roads are actually public easements which complicates the deeding procedure. Mr. Stahl concluded in some instances, deeding may be fairly easy, however, in others it may be costly and time consuming.

Senator Bianchi agreed it is too expensive to survey all county roads and said the State uses the quick claim deed to deed over property for railroad right-of-ways, irrigation districts and other State property. He added quick claim deeds are used all the time to hand over property to avoid the lengthy and expensive process as described by Mr. Stahl.

Senator Bartlett asked Senator Bianchi if the original purpose of SB 50 was to transfer ownership of roads from the county to the accepting agency. Senator Bartlett said she understood Senator Bianchi's comments on quick claim deeds, however, she said the Subdivision and Planning Act specifies clerks may not accept a deed unless it contains a reference to a deed recorded before the Subdivision and Planning Act was passed or to a certificate of survey number or subdivision plat. She said this applies regardless of the type of deed. Senator Bianchi replied the State of Montana has taken over the town of Bannack with for their park system with quick claim deeds, including areas with landowners. He said there is really no other way to deed properties since many of the original owners are not known.

Senator Kennedy asked the Committee if they wanted to act on any of the amendments to SB 50. Connie Erickson said the amendments included language concerning maintenance of abandoned county roads which says "The offer must be made in writing and mailed to the agency. If the agency accepts the road, the management of the road, including maintenance, is under the jurisdiction of the accepting agency".

#### **Motion:**

Senator Eck moved the Committee adopt the amendments offered to SB 50.

#### **Discussion:**

Senator Vaughn asked if there were still public hearings before ownership of the road is transferred to the accepting agency, to which Ms. Erickson replied yes. Senator Swift stated the law requires formal notice before the road is abandoned. Connie Erickson said the board must make a decision regarding transfer of ownership and record that decision in the minutes which, in her opinion, refers to a public meeting.

Senator Gage asked what has to happen to propose the abandonment of a road. Connie Erickson replied there must be a petition to abandon a road. Senator Gage asked if this applied to a proposal to abandon a road. Ms. Erickson replied there must be a petition to the board of county commissioners to abandon a road. She said the board will then investigate the petition and make a decision as to whether or not they will abandon the road. Ms. Erickson said part of the investigation is to determine where the road goes and if it accesses public land. She added if the road does access public land, the county can then offer the road to the particular agency and then the agency can decide if they wish to accept the road. Senator Gage asked if the county may decide after the investigation to abandon the road to deny the petition. Senator Eck asked if the board could make their decision without a public meeting. Ms. Erickson replied there is no provision in the section for a public hearing to announce their determination.

Senator Vaughn asked who presents the petition to abandon a road. Connie Erickson replied the law states "any ten or a majority of the freeholders of a road's district taxable for road purposes may petition the board to open, establish, construct, change, abandon or discontinue any county road". She concluded an offer cannot be made without a petition having been previously filed.

Senator Weldon stated his concern about the amendment regarding responsibility of road maintenance by an accepting agency. He said the existing amendment implies the accepting agency has the responsibility to maintain the road when the original intent of SB 50 did not require road maintenance by the accepting agency. Senator Waterman agreed and stated she would like to add a sentence to the amendment to read, "However, a state or federal agency that accepts a road is not required to maintain that road". Senator Eck said she would accept the suggestion as a friendly amendment to her motion.

Connie Erickson said 7-4-2615 states "no order to abandon any county road shall be valid unless preceded by notice and public hearing".

Senator Weldon stated it might be easier to delete the words "including maintenance" so the amendment would read, "Management of the road is under the jurisdiction of the accepting agency". Senator Waterman stated it should be clear the accepting agency is not required to maintain the road. Senator Eck noted by adding the sentence suggested by Senator Waterman, the words "including maintenance" would not be necessary.

Senator Hertel asked what is specified by the term "maintenance". Senator Waterman said it is probably up to the agency which has the road as to the amount of maintenance they will provide. Senator Eck stated it was her opinion the whole intent of classifying a road as primitive was to abandon its maintenance. She said there is an assumption the accepting agency is not



required to maintain the road but may opt to do so. Connie Erickson stated the amendment would not be difficult to write.

**Motion/Vote:**

Senator Eck moved the Committee adopt the amendment to SB 50 to read, "The offer must be made in writing and mailed to the agency. If the agency accepts the road, management of the road is under the jurisdiction of the accepting agency. A state or federal agency that accepts the road is not required to maintain that road". Motion carried unanimously.

**Motion:**

Senator Eck moved SB 50 DO PASS AS AMENDED.

**Discussion:**

Senator Gage asked if the agency to which the road has been offered has an unlimited amount of time to decide if they wish to accept the road. Connie Erickson stated there is no time limit in current law. Senator Waterman stated the board probably has the authority in the letter to determine when the agency must decide if they wish to accept the road, to which Connie Erickson agreed.

Senator Hertel stated it was his understanding the whole intent of SB 50 was to keep passageways open to public land. He said turning roads over to government agencies does not guarantee public access to the lands. He said it was for this reason he was reluctant to authorize the release of lands to these agencies.

Senator Eck stated she agreed with Senator Hertel in that agencies which accept roads should try to keep them open to public access of lands. She said, however, SB 50 is the second best thing because it would not deny public access.

Senator Gage stated he believes SB 50 would take away the option of counties to abandon roads because it would mandate they offer responsibility for the road to an agency. Senator Kennedy noted the counties and MACo support SB 50.

Senator Eck stated in current procedure, if the county abandons a road, the road goes back to the adjacent landowner and access to the public land is lost. She said those who oppose SB 50 would like to cut off public access to particular lands. Senator Waterman added the counties support SB 50 because they want to extend an option to agencies to accept authority for marginal roads to help keep them open to public access.

Senator Harding asked Mr. Morris if he spoke with the counties regarding SB 50. Mr. Morris replied MACo does a legislative alert regarding bills of interest to the counties. He said his office has received favorable phone calls from counties regarding SB 50.

Senator Swift stated SB 50 would take away options from the county commissioners. He stated in his county, many roads are platted on early subdivisions from 1913. He said right now the county commissioners have the discretion to refuse maintenance on those roads as a part of their system. He said SB 50 would make it more difficult for county commissioners to manage roads on their current road system. Senator Waterman said it was her understanding this option only becomes available when the petition to abandon a road is made. She said SB 50 relieves commissioners of their responsibility to maintain marginal roads.

Senator Gage stated counties already have the option of offering a marginal road to an agency in the hopes they will maintain the road. He said a petition for the abandonment of a road would not occur unless a group of individuals wanted the road abandoned.

**Vote:**

Senator Eck's motion to DO PASS SB 50 AS AMENDED FAILED five votes to six. A roll call vote was requested by the Chair to reflect NO votes from Senators Gage, Harding, Hertel, Rye, Swift and Vaughn.

**Motion/Vote:**

Senator Gage moved SB 50 DO NOT PASS. Motion PASSED six votes to five with Senators Eck, Waterman, Weldon, Bartlett and Kennedy voting NO. Senator Kennedy requested Senator Gage carry the adverse report on SB 50.

**EXECUTIVE ACTION ON SB 63**

**Discussion:**

Connie Erickson submitted to the Committee two sets of amendments to SB 63 as offered by the City of Missoula and Montana Power Company. (Exhibits #5 and #6) She said the first set of amendments offered by the City of Missoula creates Special Improvement Districts (SIDs) in Title 7 but retains some SID provisions in Title 69. She said the second set of amendments offered by Montana Power Company revises the language concerning total costs of SIDs so the final costs cannot exceed the cost incurred.

**Motion:**

Senator Weldon moved the Committee adopt both sets of amendments to SB 63.

**Discussion:**

Senator Gage asked if 69-4-313 and 314 have to be amended for SB 63. Connie Erickson replied the amendment to add "through 69-4-314" was offered as a clarification to existing statutes.

**Vote:**

Senator Weldon's motion to adopt both sets of amendments to SB 63 CARRIED UNANIMOUSLY.

**Motion/Vote:**

Senator Weldon moved SB 63 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

**EXECUTIVE ACTION ON SJ 5**

**Discussion:**

Connie Erickson stated the concern of the Committee was to make SJ 5 more neutral in its intent. She submitted to the Committee eight amendments designed to do so. (Exhibit #7) Senator Gage stated he did not object to the amendments offered to SJ 5.

**Motion:**

Senator Waterman moved the Committee adopt the amendments offered to SJ 5.

**Discussion:**

Senator Rye stated the amendments offered camouflaged the true intent of SJ 5. He said the Committee should call SJ 5 what it was-a study on county consolidation. He added there are still in effect local study committees which do the same things this study would do.

Senator Weldon asked Senator Gage if the amendments offered fall more closely in line with his original intent in requesting SJ 5, to which Senator Gage replied yes.

Senator Waterman asked if the ten year studies were to allow consolidation of city governments and change the form of government, to which members of the Committee replied yes. She then asked if the ten year study gave counties the authority to combine their services. Senator Swift stated there are current provisions which require counties to follow certain procedures when changing geographic lines. It was his opinion the ten year studies did not give counties that wide a scope of authority.

Senator Eck stated the authority granted in the ten year studies were broad in scope but she did not think one county by itself could make determinations about consolidation or reorganization without the consent of other counties potentially affected by the decision. She stated there is room for counties to reorganize their functions within their own county or by working with adjacent counties.

Connie Erickson said Article XI Section 9 states, "The Legislature shall, within four years of the ratification of this Constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit an alternative form of government to the qualified electors of the next general or special election. The Legislature shall require an election in each local government to determine whether the local government will undertake a review procedure once every ten years after the first election." She concluded the provision grants broad authority to the counties to determine any course of consolidation or reorganization.

Senator Weldon said a statewide perspective would be helpful in determining the organization of counties.

Senator Rye stated there is no consistency in the way counties operate given differences in population, area and scope of services offered.

**Vote:**

Motion to adopt the amendments offered to SJ 5 CARRIED ten votes to one with Senator Rye voting NO.

**Motion/Vote:**

Senator Harding moved SJ 5 BE ADOPTED AS AMENDED. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 2:55 p.m.

  
SENATOR JOHN "ED" KENNEDY, Jr., Chair

  
ROSALYN COOPERMAN, Secretary

JEK/rlc

# ROLL CALL

SENATE COMMITTEE Local Government

DATE 1-19-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 20, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 50 (first reading copy -- white), respectfully report that Senate Bill No. 50 do not pass.

Signed:

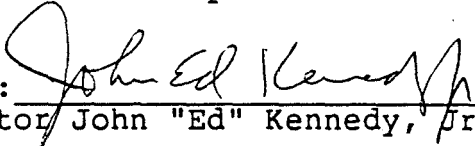
  
\_\_\_\_\_  
Senator John "Ed" Kennedy, Jr., Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 20, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Joint Resolution No. 5 (first reading copy - white), respectfully report that Senate Joint Resolution No. 5 be amended as follows and as so amended do pass.

Signed:   
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Title, line 6.

Following: "COUNTY"

Insert: "GOVERNMENT, INCLUDING"

2. Page 1, line 13 through line 15.

Strike: page 1, line 13 through line 15 in their entirety

3. Page 2, lines 4 and 5.

Strike: "consolidation" on line 4 through "consolidation" on line 5

Insert: "government"

4. Page 2, line 13.

Strike: "consolidation and reorganization"

Insert: "organization"

5. Page 2, line 22.

Strike: "and"

6. Page 2, line 23.

Strike: "consolidation"

Insert: "organization"

7. Page 2, lines 23 and 24.

Strike: "within" on line 23 through "counties" on line 24

8. Page 3, line 8.

Following: "factors"

Insert: "; and (3) the consolidation and reorganization of counties and county offices based on the factors in subsections (1) and (2)"

-END-



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 21, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 63 (first reading copy -- white), respectfully report that Senate Bill No. 63 be amended as follows and as so amended do pass.

Signed: John Ed Kennedy Jr.  
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Title, line 7.

Following: "UTILITIES;"

Insert: "REVISING ASSESSMENT COSTS FOR UNDERGROUND PLACEMENT OF UTILITIES WITHIN A DISTRICT;"

2. Page 5, line 21.

Following: "69-4-311"

Insert: "through 69-4-314"

3. Page 7, lines 10 and 11.

Strike: "sum" on line 10 through "pipe" on line 11

Insert: "costs incurred"

4. Page 8, line 22.

Following: "21"

Insert: ",and this part"

5. Page 9, line 1.

Following: "42"

Insert: ",and this part"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 20, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 54 (first reading copy -- blue), respectfully report that House Bill No. 54 be concurred in.

Signed:   
Senator John "Ed" Kennedy Jr., Chair

Land Acquired by Tax Deed Reconciliation

The inventory of lands acquired by tax deed have not been recorded in the computerized general ledger. The amount that was recorded in the old manual general ledger did not reconcile with the inventory of tax deed lands at that time because the tax deed lands were valued at appraised values rather than the initial cost to the County. The initial cost should be the amount of delinquent taxes on each parcel of property. Revenue received from the lease of County land may not be distributed properly because County personnel have not determined which leased land is tax deed land. All County land leased is being prorated to various levied funds on the current year levy. Lease of county property not acquired by tax deed is to be prorated on the preceding year's levies as required by Section 7-8-2232, MCA. Lease of county property acquired by tax deed is to be distributed on the current year levy as required by Section 7-8-2306, MCA.

Recommendation: An inventory of tax deed lands should be prepared and documented. The amounts recorded into the general ledger and the inventory record should reflect the actual amount of delinquent taxes on each parcel of property. The Clerk and Recorder should periodically review the records to determine if the general ledger accounts and inventory records are in agreement. Proceeds from the lease of the land should be prorated in accordance with Section 7-8-2306(3) and 7-8-2232, MCA.

# Florence Civic Club

P. O. Box 544  
Florence, Montana 59833

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 1-19-93

BILL NO. SB 92

January 11, 1993

Hon. Ed Kennedy Jr., Chairman  
Local Government Committee  
Capitol Station  
Helena, MT 59620

Dear Senator Kennedy:

I am writing this letter as President of the Florence Civic Club representing the views of our members in support of Senate Bill 92, sponsored by Senator Terry Klampe. This bill proposes to change the territory of a county park district to allow inclusion of more than one county.

Over the past 10 years, the Florence community has worked very hard to establish, develop and maintain the Florence Community Park which has now become a major focal point for recreation in the area. It provides fields for baseball and soccer, it has a tennis and volleyball court as well as a developed playground and a picnic area.

Historically, the Florence Civic Club has paid for the maintenance and development of the park, but over the past few years it has become increasingly difficult to raise enough funds for this and still allow us to respond to the needs of a growing community. We are finding ourselves in a situation of only providing park maintenance and nothing more. The Florence community is growing rapidly and it will be even more difficult in the future to maintain existing facilities much less make any improvements there. We are a small, non-profit organization and our fundraising activities consist of selling sausages and drinks in a few yearly events. Even though people are eager to help, they can only eat so much! This year we are forced to divide the cost of maintenance between the Civic Club, Baseball and Soccer Associations. This will, however, place a tremendous burden on families with several children involved in these sports since it will raise the cost of each child's fees. We feel this will preclude the ability of some families to have their children take part in these activities. We don't want to create this kind of situation and our only other option is to ask the community to support the creation of a park district.

Here is where the problem lies in the existing legislation. We would like to use the school district boundary to establish our park district boundary since the principal users of the park are these students and their families.

Present legislation says a park district cannot cross county lines. We are, however, in the unusual situation of having our school district boundary include residents of both Missoula and Ravalli Counties. With Senator Klampe's bill, we would be able to create this district along the school district lines, and thereby provide a more equitable solution.

With your committee's support of this legislation, the Florence Civic Club will be able to continue its efforts in establishing a park district to ensure the park's financial stability. It will also allow us to respond to the future needs of our community. Thank you for your consideration.

Respectfully.



Marjorie Lubinski, President  
Florence Civic Club

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 3

DATE 1-19-93

BILL NO. SB 92

January 15, 1993

Honorable Ed Kennedy, Jr., Chairman  
Local Government Committee  
Capitol Station  
Baltimore, MD 21201

Senator Kennedy:

I am writing in support of Senate Bill 92. I am a 14 year resident of Florence, and have been active in our local Civic Club for 10 years. Florence has experienced substantial growth within that time, with the largest growth taking place now, and slated to continue.

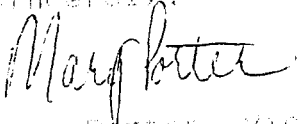
There was a time when Florence Civic Club could afford to maintain the park with fundraising proceeds, and if in a given year, we earned an extra money it was used for moderate additions. The community has grown, the demand for park use has increased, and the cost of goods and services has increased. Florence Civic Club is no longer able to care for the park adequately with what it takes in each year.

I am very proud of the work Florence Civic Club has done to date in the park, and am especially gratified with the Little League teams take over the fields in the spring. I want to be assured that the park will always be there for everyone's enjoyment! The possibility of using our funds for new equipment and landscaping is very exciting!

We will need a park district in order to continue meeting the needs of our community, and preserve the park for the enjoyment of all.

Please give this bill your consideration and your support. Thank you very much.

Sincerely,



Mary Porter, Vice-President  
Florence Civic Club

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 4  
DATE 1-19-93  
BILL NO. SB 92

January 15, 1993

I am asking for your support for the passage of Senate Bill #92. I am on the Florence Park Board and I want to assure you that the support and interest in our community is very strong in favor of getting an initiative on the ballot as soon as possible. The passage of this bill will allow communities that occupy areas in more than one county to collect and disperse the revenues in the same form that fire and school districts do now.

Thank you for supporting the passage of this bill.



Ed Greef  
Park Board Committee  
N.W. 300 Poplar Lane  
Florence, MT. 59833  
777-3022

Amendments to Senate Bill No. 63  
First Reading Copy

SENATE LOCAL GOVERNMENT For the Committee on Senate Local Government

EXHIBIT NO. 5

DATE 1-19-93

FILE NO. SB 63

Prepared by Connie Erickson  
January 19, 1993

1. Page 5, line 21.  
Following: "69-4-311"  
Insert: "through 69-4-314"

2. Page 8, line 22.  
Following: "21"  
Insert: ",and this part"

3. Page 9, line 1.  
Following: "42"  
Insert: ",and this part"



STATE LOCAL GOVERNMENT

IBIT NO. 6  
E 1-19-93  
L NO. SB 63

Amendments to Senate Bill No. 63  
First Reading Copy

For the Committee on Senate Local Government

Prepared by Connie Erickson  
January 19, 1993

1. Title, line 7.

Following: "UTILITIES;"

Insert: "REVISING ASSESSMENT COSTS FOR UNDERGROUND PLACEMENT OF  
UTILITIES WITHIN A DISTRICT;"

2. Page 7, lines 10 and 11.

Strike: "sum" on line 10 through "pipe" on line 11

Insert: "costs incurred"

ITE LOCAL GOVERNMENT

AMT NO. 7 Amendments to Senate Joint Resolution No. 5  
1-19-93 First Reading Copy

NO. 5 of 5 For the Committee on Senate Local Government

Prepared by Connie Erickson  
January 19, 1993

1. Title, line 6.

Following: "COUNTY"

Insert: "GOVERNMENT INCLUDING"

2. Page 1, line 13 through line 15.

Strike: page 1, line 13 through line 15 in their entirety

3. Page 2, lines 4 and 5.

Strike: "consolidation" on line 4 through "consolidation" on line  
5

Insert: "government"

4. Page 2, line 13.

Strike: "consolidation and reorganization"

Insert: "organization"

5. Page 2, line 22.

Strike: "and"

6. Page 2, line 23.

Strike: "consolidation"

Insert: "organization"

7. Page 2, lines 23 and 24.

Strike: "within" on line 23 through "counties" on line 24

8. Page 3, line 8.

Following: "."

Insert: "; and (3) the consolidation and reorganization of  
counties and county offices based on the factors in  
subsection (1) and subsection (2)"

DATE 1-19-93

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 54 (Emery) ; HB 80 (Mc Caffrey)  
SB 92 (Klampe)

Name	Representing	Bill No.	Check One	
			Support	Oppose
Margane Lubinski	Florence Curc Club	92	✓	
Gordon Morris	MACo. HB 92	HB 80	✓	
Alec Idemose	MLCT HB 54		✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

## ROLL CALL VOTE

SENATE COMMITTEE Local Government BILL NO. SB 50

DATE 1-19-93 TIME 1:00 pm A.M. P.M.

NAME \_\_\_\_\_

YES NO

[illegible]

Rosalyn Cooperman

~~SECRETARY~~

Senator John "Ed" Kennedy  
CHAIR

CHAIR

MOTION: \_\_\_\_\_