

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN NORM WALLIN, on March 4, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Norm Wallin, Chairman (R)
Rep. Ray Brandewie, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Dave Brown (D)
Rep. Tim Dowell (D)
Rep. Dave Ewer (D)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Randy Vogel (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: Rep. Ed McCaffree, Rep. Sheila Rice

Members Absent: None

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

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

Committee Business Summary:

Hearing: SB 25, SJR 5, SB 159, SB 273
Executive Action: SB 273, SJR 5, SB 25, SB 159

HEARING ON SENATE BILL 25

Opening Statement by Sponsor:

SEN. ELEANOR VAUGHN, SD 1, Libby, introduced SB 25 which would authorize multi-jurisdictional service districts to provide dispatch services. There are small towns who have been depending on volunteers to man the dispatch services. It has been extremely difficult getting volunteers to work the night shift, Sundays and holidays. These small towns would like to be included in the ability to have a multi-jurisdictional district

so they can establish a tax levy to pay for services performed during the times no one will volunteer. This legislation is discretionary for those who feel it is needed. SEN. VAUGHN assured the Committee that these towns would only levy taxes to pay for the above-mentioned times and would not levy taxes to pay for all the shifts. Those who volunteer are in agreement with this.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. VOGEL asked if it would take a vote of the people in order to levy the tax. SEN. VAUGHN explained that the town would form a district; then hold a public hearing, after which they would have the authority to present a budget and levy the tax.

REP. SAYLES asked if this is to replace the 911 system. SEN. VAUGHN replied that it would help to fill in for 911. Some areas have enough funding for 911 to pay for late-night volunteers, however, some of the local ambulance districts and fire districts do not have extra money.

REP. SAYLES asked for an example of a town or area that would need to form this district. SEN. VAUGHN said some examples would be Eureka, Libby, and Troy who do not have taxing jurisdiction and can only draw on volunteers. She noted that these services are of no use unmanned and emergencies do not always occur during the day. There is a need for these services 24 hours per day.

Closing by Sponsor:

SEN. VAUGHN closed the hearing on SB 25 suggesting that REP. PETERSON carry the bill.

HEARING ON SENATE JOINT RESOLUTION 5

Opening Statement by Sponsor:

SEN. DEL GAGE, SD 55, Cut Bank, explained that SJR 5 was a study resolution requesting that during the interim the legislature study county government including the possibility of consolidation and reorganization of counties. He noted that not every town needs a jail and there is a possibility of sharing services between small towns within a county. At the end of the session the Legislative Council will request study recommendations from legislators. Within the funding available, the Council will then select a recommended study. SEN. GAGE said a study of reorganizing county government is needed, people are asking for a reduction in government.

Proponents' Testimony:

Doug Olson, Attorney, Helena, testified in support of SJR 5. EXHIBITS 1, 2, 3, & 4 Mr. Olson noted that the study is needed because since the last counties were formed in the 1920's, technology has drastically changed. Transportation and communication technology for example have changed a great deal and as a result the organizational structure of counties and local governments have not kept pace with the new technology. The study is needed in order to end the debate as to what savings, if any, would be derived from a study of county government. Even though the study may not support the consolidation of counties, it may support consolidation of county services.

Opponents' Testimony: NoneQuestions From Committee Members and Responses:

REP. VOGEL asked SEN. GAGE how much the study would cost. SEN. GAGE said last session the legislature appropriated \$50,000 for interim studies. After receiving the study requests, the Legislative Council allocates the money for the first priority study. If the first priority study does not require the entire \$50,000, the money is used to cover as many studies as possible. The amount spent for interim studies would have to be determined based on the appropriation given by this legislature.

REP. VOGEL asked SEN. GAGE if he would agree to amend lines 13-15 on page one back into the bill. SEN. GAGE said he would agree. The reason the Senate took out the language was because they did not believe it to be fact but rather an opinion.

REP. BOHLINGER asked SEN. GAGE if he envisioned, as a result of the bill, a shrinking of the legislative body. SEN. GAGE said he did not think it would since it only deals with county government as opposed to state government.

REP. BERGMAN asked SEN. GAGE if there would consideration given to consolidating county services with the city. SEN. GAGE said he had looked at that possibility, but eventually decided to only deal with counties first.

REP. SAYLES informed SEN. GAGE of his intent to amend SJR 5 to include cities and counties. He stated that both should be included in the study. SEN. GAGE said he would not oppose the amendment.

REP. EWER asked SEN. GAGE if he was aware that counties can disincorporate if they want to. SEN. GAGE replied yes, however, if you were to ask one hundred people in any county they are not aware that it can be done.

REP. EWER asked SENATOR GAGE if he felt there was substantial

monies that could be gained by consolidation of counties. SEN. GAGE said there could be if the legislature told every county that they need not have a jail and instead have regional jails. He contended that the state in turn should be supplying these regional facilities since many of the arrests are the result of violations of state statutes as opposed to city violations.

REP. HANSEN informed the Committee that counties and cities would be reviewed under the constitutional mandate in 1994, therefore, the study is not needed. He commented they should consolidate because it's already known that cities and counties are not functioning.

REP. DOWELL asked Gordon Morris, Executive Director, Montana Association of Counties, to comment on SJR 5 and also on the ability counties currently have to consolidate on their own. Mr. Morris noted that he would have appeared as an opponent to SJR 5, however, he had been detained in the Senate Local Government Committee. He noted that there is consolidation of services taking place in local government. Currently there are consolidated services with regard to county attorney services, juvenile detention services, along with the creation of multi-jurisdictional districts. He stated there is not a need for a study, local government officials are already doing a study with the participation of their constituents.

Closing by Sponsor:

SEN. GAGE closed the hearing on SJR 5 stating that counties and cities are not going to do the consolidating themselves knowing full well it could mean losing their own jobs. The legislature needs to study the facts relating to how much government is needed. The change in boundaries could bring great savings.

HEARING ON SENATE BILL 159

Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 23, Helena, introduced SB 159, relating to divisions in the tax deed laws. The County Treasurer's Association requested this bill. Under current law there is no interest accruing on delinquent taxes from the date the tax deed is issued to the time of the auction which is usually six months following issuance of the tax deed. SB 159 would add interest on the amount of taxes due for the time period during which the original owner is the only one allowed to repurchase. The interest rate would be the same rate as other delinquent tax rates. The other change would require a return-receipt request along with the already required notice sent by certified mail.

Proponents' Testimony:

Cort Harrington, Montana County Treasurer's Association,

testified in support of SB 159. Prior to the 1987 session there was an interim study on the tax deed process and as a result, there was a major revision of the entire process. Every session since, the Treasure's have requested bills to improve the process.

Doug Olson, Attorney, Helena, testified in support of SB 159 stating that his firm deals with real estate, title searches, etc. and the proposed changes would be beneficial to the process.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. BOHLINGER noted that the Pierce Packing Company has been defunct for the past ten years, and asked SEN. BARTLETT if, had the interest been accruing over the past ten years of uncollected taxes, Pierce Packing Company would become even more of a white elephant, making it more difficult for a developer to acquire. He asked how SB 159 would affect Pierce Packing Company.

SEN. BARTLETT said the bill would only affect the Company if the owner paid the taxes due within the six-month period and reclaimed the property. During the six-month period the delinquency would have been accruing interest at five-sixths of one percent. The original owner will end up owing more, but the interest stops accruing when the owner's right to purchase the property has expired.

REP. BRANDEWIE clarified the APR rate is 10%, which is five-sixths of one percent per month.

REP. EWER asked how often a person repurchased their property after issuance of a tax deed. SEN. BARTLETT replied it is far more common for people to make payments prior to issuance of a tax deed. She said there have been times when the original owner has repurchased the property after a tax deed has been issued, however, it does not happen often.

Closing by Sponsor:

SEN. BARTLETT closed the hearing on SB 159.

EXECUTIVE ACTION ON SENATE BILL 159

Motion/Vote: REP. VOGEL MOVED SB 159 BE CONCURRED IN. Motion carried unanimously.

Motion/Vote: REP. WINSLOW moved to put SB 159 on the consent calendar. Motion carried.

HEARING ON SENATE BILL 273Opening Statement by Sponsor:

SEN. BARRY STANG, SD 26, St. Regis, introduced SB 273, a bill allowing a member of a police force in a third class city or town to be employed in another department of that city or town's government. This employee may not, however, hold a political office. The current law restricts any municipality from hiring a police officer in any other capacity. He stated he was approached by the City Attorney of Fairfield to propose changes to current statute which would allow small towns to retain their police officers. In the past, small towns hire police officers part-time and experience a high turnover rate due to the officers needing full-time employment. SB 273 would enable small towns to keep officers part-time and allow the officer to work elsewhere in county or city government for the other half. SEN. STANG said fireman and police officers of larger towns had concerns that there could be conflicts, therefore, the bill only applies to smaller cities and towns.

Proponents' Testimony:

Alec Hansen, Executive Director, Montana League of Cities and Towns, expressed support for SB 273 stating that the bill attempts to solve a real problem for small cities and towns. These towns have experienced losing a good officer after spending time and money training because they do not have enough work to keep the officer employed full-time. SB 273 will allow the officer to work part-time in some other capacity in the city or county government.

Opponents' Testimony: NoneQuestions From Committee Members and Responses:

REP. BROWN asked Mr. Hansen to explain the classification of cities and towns.

Mr. Hansen said any city with a population over 20,000 is a Class I; between 10-20,000 a Class II; between 10-5,000 and under but not less than 1,000 are Class III; and a town has a population of under 1,000.

Closing by Sponsor:

SEN. STANG closed the hearing on SB 273. REP. ROSE will carry SB 273.

EXECUTIVE ACTION ON SENATE BILL 273

Motion/Vote: REP. BRANDEWIE moved SB 273 be concurred in. Motion carried unanimously.

Motion/Vote: REP. WINSLOW moved to put SB 273 on the consent calendar. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 5

Motion: REP. BRANDEWIE moved SJR 5 be concurred in.

Discussion: REP. BRANDEWIE noted there would be savings if several counties were consolidated creating a total of thirty. The Montana School Boards Association will be studying consolidation of schools. REP. BRANDEWIE said it should not be up to those who stand to lose their jobs to initiate consolidation. As times have changed, there is no longer a need to be near the county seat to conduct business. Taxes and license plates can be paid through the mail and, as a result, a county building is not needed every 50-60 miles.

REP. DOWELL said in Section 3, Article 11, the Constitution says that many county offices are permissive and have the ability to consolidate. He also said there is an awareness by the public that they have the power to initiate consolidation and that it does not take much to place the issue on the ballot. He reminded the Committee that the direction the legislature has taken is to not tell local governments how to operate.

REP. HERRON stated he receives two to three letters per week requesting consolidation of counties, schools, etc. Supporting the study, Rep. Herron said the study may bring about a need for a change.

REP. BROWN recalled that two years ago Ken Dunham had tried to put consolidation of counties and jobs on the ballot but was not able to get enough signatures to do so. He said this indicates the wishes of the people of this state.

REP. BOHLINGER said his constituents are requesting that the legislature take measures to consolidate and restructure government to make it more efficient. SJR 5 attempts to do this. It would study ways to streamline government operations. However, these jobs have been established with people in place for many years. It is unlikely that counties would divest themselves of these positions, unless there just is no more money to pay the salaries.

REP. WINSLOW said that in Yellowstone County if city government consolidated with county government, Billings would still have their police and fire protection, however the outlying area would suffer. She said that while she is concerned about cost savings, it is not the will of the people of Montana to consolidate city and county governments but rather to cut costs.

REP. BRANDEWIE reminded the Committee that SJR 5 will only do a study on whether, for instance, each county can afford to have a

juvenile center. Any outcome of the study would need to be voted on by the people. Ken Dunham did try to get this on the ballot, except he had targeted 18 counties which would be affected. This study will develop information for the counties to make decisions based on facts.

REP. WYATT said the pragmatic reality is that the study would probably not be funded anyway because major money is being cut. She stated that she did not choose to spend \$50,000 on this study when it cannot be spent elsewhere. In terms of priority, should five studies come out of the session, only one or two will be funded and it would be highly unlikely this study would be one of them.

REP. SAYLES said he would prefer the study address consolidation of counties and cities. Missoula would benefit from the consolidation of counties and cities.

Mr. Campbell informed the Committee that he understood the amendment to include "cities and counties" but added he would need to research the amendment first.

REP. VOGEL speaking against the amendment explained that Yellowstone County had approximately six cities and it would not be feasible to combine them.

Motion/Vote: REP. SAYLES moved to amend SJR 5 to include "cities and counties." Motion failed 11-3 with REPS. SAYLES, BOHLINGER and BERGMAN voting in favor.

Motion/Vote: REP. BROWN moved to table SJR 5. Motion carried on an 11-5 roll call vote.

EXECUTIVE ACTION ON SENATE BILL 25

Discussion: REP. MARY LOU PETERSON will carry SB 25 on the House floor.

Motion/Vote: REP. BRANDEWIE MOVED SB 25 BE CONCURRED IN. Motion carried 13-3, with REPS. HERRON, WINSLOW and VOGEL opposing.

ADJOURNMENT

Adjournment: 6:00 p.m.



NORM WALLIN, Chair



PAT BENNETT, Secretary

NW/pb

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE

3/4/93

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. DAVE BROWN	✓		
REP. TIM DOWELL	✓		
REP. DAVID EWER	✓		
REP. STELLA JEAN HANSEN	✓		
REP. JACK HERRON	✓		
REP. ED McCAFFREE			✓
REP. SHEILA RICE			✓
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. RANDY VOGEL	✓		
REP. KARYL WINSLOW	✓		
REP. DIANA WYATT	✓		

HOUSE STANDING COMMITTEE REPORT

March 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 159 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: _____
Norm Wallin, Chair

Carried by: Rep. Ewer

HOUSE STANDING COMMITTEE REPORT

March 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 273 (third reading copy -- blue) be concurred in and be placed on consent calendar .

Signed: _____
Norm Wallin, Chair

Carried by: Rep. Rose

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL VOTE

DATE 3/4/93 BILL NO. 515 NUMBER

MOTION: Rep. Brown moved to table
515. Motion passed
11-5

NAME	AYE	NO
REP. RAY BRANDEWIE, VICE CHAIRMAN		✓
REP. ELLEN BERGMAN	✓	
REP. JOHN BOHLINGER		✓
REP. DAVE BROWN	✓	
REP. TIM DOWELL	✓	
REP. DAVID EWER	✓	
REP. STELLA JEAN HANSEN	✓	
REP. JACK HERRON		✓
REP. ED MCCAFFREE & Proxy	✓	
REP. SHEILA RICE & Proxy	✓	
REP. TIM SAYLES		
REP. LIZ SMITH	✓	
REP. RANDY VOGEL		✓
REP. KARYL WINSLOW	✓	
REP. DIANA WYATT	✓	
REP. NORM WALLIN, CHAIRMAN		✓

EXHIBIT 1
DATE 3/4/93
SI 5

DOUGLAS B. OLSON
P.O. Box 1695
Helena, MT 59624
443-0207
443-4345

March 4, 1993

House Committee on Local Government
53rd Montana Legislature
Room 104
State Capitol Building
Helena, Montana 59620

re: Senate Joint Resolution 5
Requesting Interim Study of County Consolidation, etc.

Dear Chairman Wallin and Committee Members:

My name is Doug Olson, I am an attorney residing in Helena and I am appearing before you today on my own behalf to express my personal support for Senate Joint Resolution 5, introduced by Senator Gage. This resolution seeks the support of both houses for funding an interim legislative study of county consolidation and reorganization and the preparation of a report for the 54th Legislature.

Few citizens would argue with the premise that government should be run like a business in an organized manner, providing needed services in a cost-efficient manner. I know of no one that would cut up Montana's geographical area into the present 56 counties if the State of Montana was to be organized into local governmental entities today.

Since the last counties were created in the 1920's, our society has seen many advances in transportation and communication as well as shifts in population and centers of trade. I believe that the claim of many citizens that today we have too much government is applicable to the present county government system in Montana as well as to some aspects of our centralized state government.

I am not in a position today, however, to advocate that Montanans can be efficiently served with just 20, 25, 28 or 30 counties instead of the present 56. At the same time, I doubt whether areas in Montana with populations of less than 1,000 or 2,000 residents warrant services being delivered through a separate county.

Hopefully a detailed study of Montanans' needs for local services in relation to population demographics, transportation services, communication technology (telephones, computers and fax machines,

satellites), trade centers will guide you as our legislators toward making our local government services more effective and less costly.

Consolidation of local government functions to provide more efficient and cost effective services may be accomplished in two principal ways:

1. through fewer units of local governments, i.e., by consolidating counties;
2. through regionalizing or sharing services with other counties.

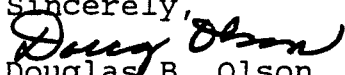
Perhaps not every county, regardless of population, needs a district court, a county attorney, a county superintendent of schools, or clerk and recorder? If most Montanans are willing to travel 50-100 miles or more to shop in another county, couldn't we really combine or consolidate government services with that county?

David Walter, a reference historian with the Montana Historical Society's Library, wrote two articles for Montana Magazine on the creation of counties that appeared in Volumes 78 and 79 of that magazine (July-August 1986 and September-October 1986, copies of which are attached) that may be of assistance to an interim study commission on county consolidation and reorganization.

The Montana Historical Society library also has several files on the formation of counties as well as one that contains articles on counties that were planned but never officially created. I would suggest that Mr. Walter (444-2681) and the resources of the Historical Society Library would be good references for the Legislature to consult in carrying out an interim study on county government services.

Many Montanans have asserted over the years that consolidating local government services will save money but no definitive studies have been done to document the scope of these "savings" or the most desirable means of consolidating. Please give all Montanans the benefits that such a legislative study would provide, pass SJR5 and then vote to fund the interim study.

Finally, Senator Gage should be commended for offering this resolution since he comes from a smaller county that may see some of its services consolidated as a result of such a study. I believe that he sees the benefits in the delivery of services and the potential savings of Montanans' tax dollars. You as legislators have the means through SJR5 to make the delivery of local government services more efficient and cost effective. I would encourage you to read the articles on the formation of counties by Dave Walter, and thank you for considering my views.

Sincerely,

Douglas B. Olson

"County buster" Dan McKay was rumped unkempt and impressive

EXHIBIT 2
DATE 3/4/93
STR 5

2

Creation of Montana Counties

NEW COUNTY	CREATED FROM
1865	
BEAVERHEAD	
BIG HORN	
(DAWSON-CUSTER)	
CHOUTEAU	
DEER LODGE	
EDGERTON	
(LEWIS AND CLARK)	
GALLATIN	
JEFFERSON	
MADISON	
MISSOULA	
1866	
MEAGHER	GALLATIN
1869	
DAWSON	BIG HORN
1877	
CUSTER	BIG HORN
1881	
SILVER BOW	DEER LODGE
1883	
YELLOW-STONE	CUSTER GALLATIN
1885	
FERGUS	MEAGHER
1887	
CASCADE	CHOUTEAU; LEWIS AND CLARK; MEAGHER
PARK	GALLATIN
1893	
FLATHEAD	MISSOULA
GRANITE	DEER LODGE
RAVALLI	MISSOULA
TETON	CHOUTEAU
VALLEY	DAWSON
1895	
CARBON	PARK; YELLOW-STONE
SWEET GRASS	MEAGHER; PARK; YELLOW-STONE
1897	
BROAD-WATER	JEFFERSON; MEAGHER
1901	
POWELL	DEER LODGE
ROSEBUD	CUSTER
1905	
SANDERS	MISSOULA
1909	
LINCOLN	FLATHEAD

NEW COUNTY	CREATED FROM
1911	
MUSSEL-SHELL	FERGUS; MEAGHER; YELLOW-STONE
1912	
BLAINE*	CHOUTEAU
HILL*	CHOUTEAU
1913	
BIG HORN*	ROSEBUD; YELLOW-STONE
FALLON*	CUSTER
SHERIDAN*	VALLEY
STILLWATER*	CARBON; SWEET GRASS; YELLOW-STONE
1914	
MINERAL*	MISSOULA
RICHLAND*	DAWSON
TOOLE*	HILL; TETON
WIBAUX*	DAWSON; FALLON; RICHLAND
1915	
PHILLIPS*	BLAINE; VALLEY
PRAIRIE*	CUSTER; DAWSON; FALLON
1917	
CARTER	FALLON
WHEATLAND	MEAGHER; SWEET GRASS
1919	
GARFIELD	DAWSON
GLACIER	TETON
McCONE	DAWSON; RICHLAND
PONDERA	CHOUTEAU; TETON
POWDER RIVER	CUSTER
ROOSEVELT	SHERIDAN
TREASURE	ROSEBUD
1920	
DANIELS*	SHERIDAN; VALLEY
GOLDEN VALLEY*	MUSSEL-SHELL; SWEET GRASS
JUDITH BASIN*	CASCADE; HILL
1923	
LAKE	FLATHEAD; MISSOULA
1925	
PETROLEUM	FERGUS

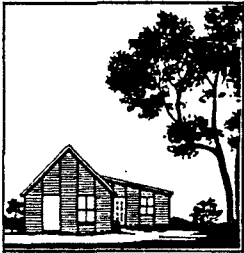
LIBERTY

*Counties formed by the petition-and-election process; all other counties created by Legislative action.

MONTANA



6 Family Day Trips

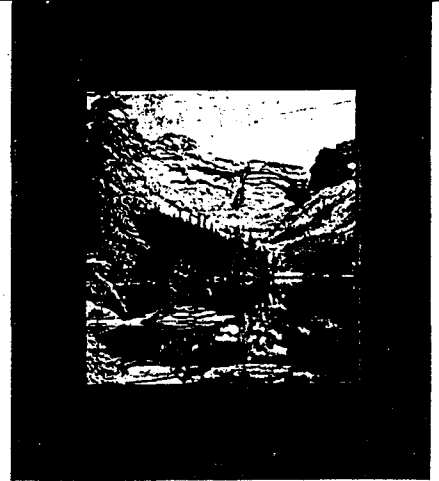
60 Virginia City,
perfect summer
weekend74 Small-town portals
to the park

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COVER PHOTO:

Alpine lake in Cabinet Mountains
Wilderness—Lance Schelvan

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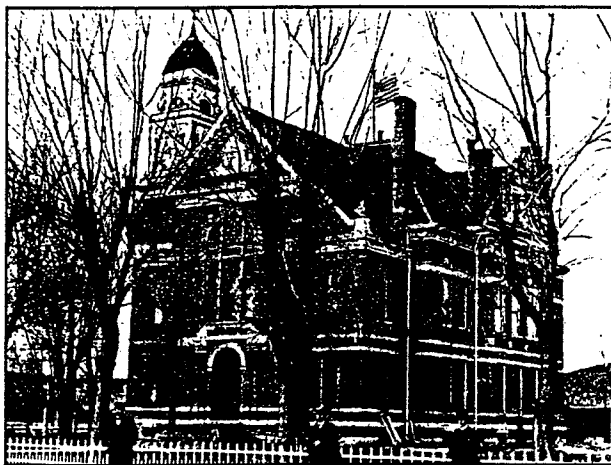
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County busting

Colorful memories & an economic legacy



The Chouteau County Courthouse, Fort Benton, as it appeared about 1900. COURTESY FORT BENTON MUSEUM.

During the past 50 years, at least once each decade, the call for "county consolidation" has been heard across Montana. "Consolidation" would involve the reorganization of Montana into 12, or 18, or even 30 counties, instead of the 56 counties that have existed since 1925. The crux of the consolidation argument is that such a streamlining of the county structure would eliminate duplicative offices and services, thereby reducing the county tax burden on the Montana property-owner, whether corporate or individual. Given the government budget-crunch of the 1980s, it is about time for the resilient call for "county consolidation" to be sounded again across the land.

On a statistical basis, advocates of "county consolidation" present a strong argument. When you spread Montana's population of 786,690 (1980 federal census) over its 56 counties, the median county draws its taxes from—and provides services for—a little more than 14,000 people. And the public demand for county services has increased since the depression. In truth, however, the situation is more grave. *Forty-five* of the state's counties include fewer than 14,000 people, and 20 of these counties sport populations

of fewer than 5,000. In the extreme, Treasure County operates a county government with a population of only 981; Petroleum County draws taxes from, and provides services for, a mere 655 people.

The question arises, "How did Montana work its way into this predicament?" Indeed, why does a state of fewer than 800,000 people continue to support a county-government structure better designed for a population of several million? Perhaps, in investigating the first question, one can find answers to the second question. For the proliferation of Montana's counties is the story of anything but a measured development.

Montana's First Territorial Assembly (1865) approved nine counties, most of which had been established (1863) when Montana was still included in Idaho Territory: Beaver Head; Big Horn (later Dawson and Custer); Chouteau; Deer Lodge; Edgerton (later Lewis and Clark), Gallatin; Jefferson; Madison; Missoula. The county concentration in western and central Montana (see map sequence) reflects the population distribution of the early placer-gold mining boom.

During the 25-year existence of

Montana Territory (1864-1889), only eight additional counties were created by the Territorial Assembly (see sidebar). This rational development of the county structure parallels Montana's population growth from about 20,000 to 130,000 (a 650% increase) and emphasizes the recognition of new quartz-mining, agricultural and railroad centers in the Territory. Moreover, this moderate county development illustrates the fact that the only way a county could be created was by legislative act. An Assembly faced with widespread Territorial debt was necessarily conservative in establishing new counties. The reasonable approach of the Territorial Assembly to county proliferation does not mean that lawmakers did not "play politics" with counties. For example, in 1866, the Assembly created Vivion County in central Montana, to honor territorial politician Robert Peel Vivion. But then the U.S. Congress annulled the acts of the Second Extraordinary Session of the Montana Assembly. And so disappeared Vivion County, Vivion County's eponym, and his chance for relative immortality. Also, in 1867, the Assembly changed the name of Edgerton County to Lewis and Clark—an outright snub of first Territorial Governor Sidney Edgerton by his political enemies. Finally, the Fourteenth Legislative Assembly (1885) wrestled with at least nine county proposals before partisan politics eliminated all but the creation of Fergus County.

Thus Montana entered the Union (1889) with a county structure of 16 units. During the next 21 years, until 1910, the population of Montana rose from about 130,000 to more than 376,000 (a 289% increase). Yet the Montana Legislature approved the creation of only 12 new counties. These fledgling counties tended to reflect population concentrations caused by new underground mining operations and especially by the development of valley-bottom agricultural areas (see sidebar).

Then all hell broke loose! From a county structure of 28 units in 1910, Montana exploded to a state of *54 counties* in 1920. During that decade, the number of counties almost doubled, thereby producing about twice as many county sheriffs,

county treasurers, county school superintendents, and other county officials to be paid from property taxes. Usually this "county splitting" movement is dismissed with a shrug of the shoulders and a derisive reference to "damned honyockers"! Not surprisingly, the circumstances that spawned 26 counties in 10 years were a bit more complex, and interesting.

Certainly Montana's homestead boom period of 1908-1919 was the prime factor involved in the "county busting" craze. For that era spread tens of thousands of settlers across the state's northern, central and eastern plains on basic 160-acre claims. Sud-

denly large numbers of aggressive, idealistic citizens sought county-government services—particularly schools, bridges, courts and road improvements. And the homesteaders demanded that these services emanate from nearby county seats. What good were county offices that were hundreds of miles away?

The proliferation of rail lines in Montana had contributed directly to the homestead boom. The building of the Milwaukee Road through central Montana (1906-1908) made accessible vast new tracts of homestead lands. Both the Northern Pacific and the Great Northern constructed branch

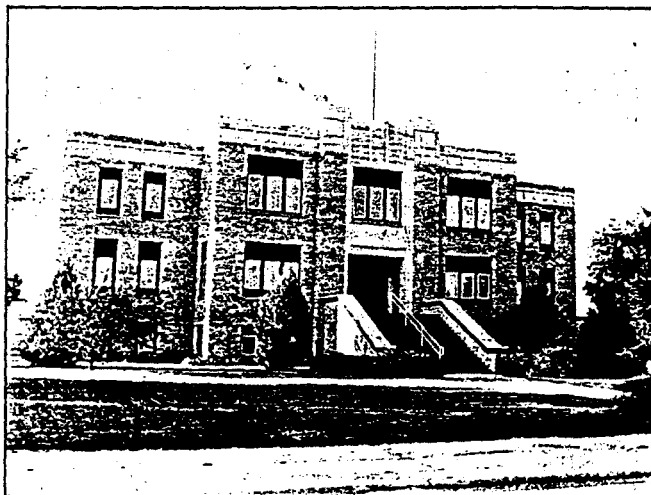
lines throughout the state, and several short lines also brought transportation and communication to formerly isolated valleys. In league with the state of Montana, these railroads promoted homesteading in Montana with little regard for the immigrant's realistic chance of success. But little matter: The boom was on! Rainfall was up! Crops were good and prices were better! Optimism reigned!

Given the homestead surge, the railroad construction and promotion and the rampant boosterism, all Montana's "county splitting" craze needed was a catalyst. And it found that

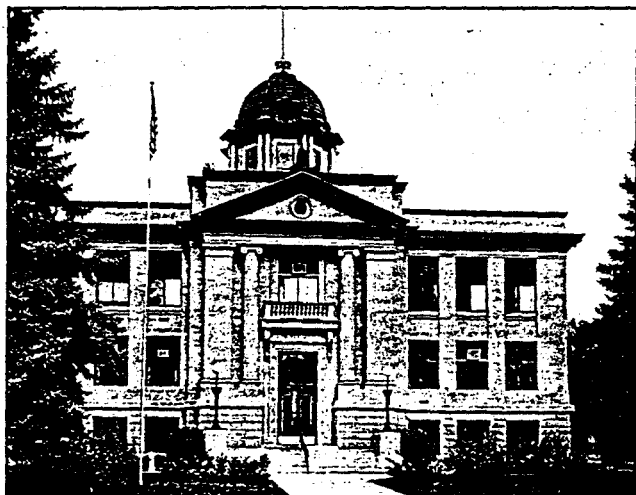
A boon to builders



The Cascade County Courthouse, Great Falls, in a 1979 photo by John Fraser. COURTESY MONTANA STATE HISTORIC PRESERVATION OFFICE, HELENA.



The Big Horn County Courthouse in Hardin. COURTESY MONTANA STATE HISTORIC PRESERVATION OFFICE, HELENA.



The Rosebud County Courthouse in Forsyth, as photographed by Rick Rivard in 1985. COURTESY MONTANA STATE HISTORIC PRESERVATION OFFICE, HELENA.

catalyst in the national Progressive Movement (1900-1916).

The Progressive Movement matched the optimism of Montana's homesteaders and added a heavy dose of morality. It advocated social and political reform through direct action—that is, placing governmental power in the hands of the people. Montana was a fertile field for such Progressive social reforms as the prohibition of alcohol: the state "went dry" in 1918, well before the nation adopted Prohibition (1920).

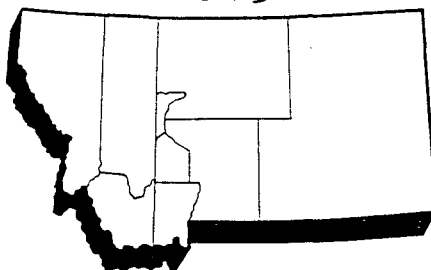
Yet it was in the realm of political reform that Montana shone. Montana Progressives effected the initiative (1906), the referendum (1906), the direct election of U.S. senators (1911), the direct party primary (1912), and woman suffrage (1914). The argument for each of these measures was that the people were the best keeper of the governing power—certainly better than were trusts and corporations, like the Anaconda/Amalgamated Copper Company. The Montana Legislature acquiesced to these political reforms. In fact, the Legislature was rife with politicians who had been elected on the Progressive platform.

In response to the homesteader's demand for an accessible county government, the Montana Legislature passed the Leighton Act (1911). For the first time since 1864, it became possible to create a Montana county by some means other than legislative action. Under the Leighton Act (once minimal financial and geographic requirements were met), citizens could petition their current commission to force a popular election on the question of the proposed county. Although the Legislature retained its long-held right to originate counties, suddenly the power to hatch a new county rested in the hands of the people. The Progressive Movement had struck another significant blow in Montana.

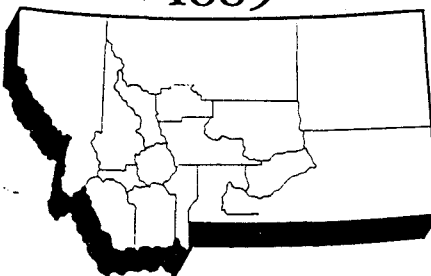
The Montana Legislature amended the Leighton Act in 1913, in 1915, in 1919, and finally in 1929, adjusting the financial and geographic requirements as homesteading boomed and then busted. Nevertheless, of the 26 Montana counties created between 1910 and 1920, 16 counties were the product of the petition-and-election proc-

The map changed dramatically

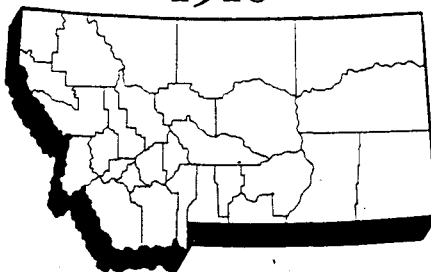
1865



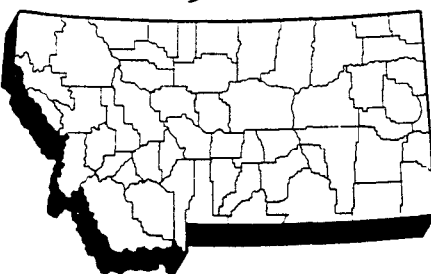
1889



1910



1920



ess. More important, with the exception of Mineral County, all of these new counties were established in homestead-rich Eastern Montana: 1912—Blaine, Hill; 1913—Big Horn, Fallon, Sheridan, Stillwater; 1914—Richland, Toole, Wibaux; 1915—Phillips, Prairie; 1920—Daniels, Golden Valley, Judith Basin, Liberty.

Once the Leighton Act was passed (1911), it also served as an intimidating lever on the Legislature. That body created only Musselshell County in its 1911 session, and no counties at all in its 1913 and 1915 sessions. However, the Legislature's 1915 amendments to the Leighton Act so restricted petition-and-election county creation that the Assembly was forced to father nine counties itself in 1917 and 1919.

From the unbridled optimism of the homestead era also evolved a Montana phenomenon: Dan McKay—Professional County Buster! McKay was a stocky Scot who had arrived in Fort Benton by steamboat in the early 1880s and was one of the early settlers of Great Falls. He became active in Democratic politics and, in 1895, was the Montana Senate's sergeant-at-arms, although he never held elective office. McKay was a brickmaker by trade. In 1908 he relocated in Glasgow and opened a brickyard just east of town. He was responsible for building several commercial and residential structures that still stand in Glasgow.

More than anything, though, Dan McKay was a hobnobber, a promoter, a speechmaker, a booster. And the optimism of the homestead boom was his milieu. Despite his rumpled attire, wild shock of hair, and unschooled speech, local businessmen respected McKay as a shrewd operator. Newly arrived homesteaders saw the personable, unkempt fellow as an experienced Montanan, yet somehow one of them. And everyone listened to Big Dan, even if they did not agree with his heavily Progressive opinions. For he cut a truly impressive figure, riding Valley County atop what was said to be the biggest, blackest horse in the Milk River Valley.

It was the Leighton Act (1911) that permitted this prairie messiah to

*"County buster" Dan
McKay was rumpled
unkempt and impressive*

Creation of Montana Counties

NEW COUNTY	CREATED FROM
1865	
BEAVERHEAD	
BIG HORN (DAWSON- CUSTER)	
CHOUTEAU	
DEER LODGE	
EDGERTON (LEWIS AND CLARK)	
GALLATIN	
JEFFERSON	
MADISON	
MISSOULA	
1866	
MEAGHER	GALLATIN
1869	
DAWSON	BIG HORN
1877	
CUSTER	BIG HORN
1881	
SILVER BOW	DEER LODGE
1883	
YELLOW- STONE	CUSTER GALLATIN
1885	
FERGUS	MEAGHER
1887	
CASCADE	CHOUTEAU; LEWIS AND CLARK; MEAGHER
PARK	GALLATIN
1893	
FLATHEAD	MISSOULA
GRANITE	DEER LODGE
RAVALLI	MISSOULA
TETON	CHOUTEAU
VALLEY	DAWSON
1895	
CARBON	PARK; YELLOW- STONE
SWEET GRASS	MEAGHER; PARK; YELLOW- STONE
1897	
BROAD- WATER	JEFFERSON; MEAGHER
1901	
POWELL	DEER LODGE
ROSEBUD	CUSTER
1905	
SANDERS	MISSOULA
1909	
LINCOLN	FLATHEAD

NEW COUNTY	CREATED FROM
1911	
MUSSEL- SHELL	FERGUS; MEAGHER; YELLOW- STONE
1912	
BLAINE*	CHOUTEAU
HILL*	CHOUTEAU
1913	
BIG HORN*	ROSEBUD; YELLOW- STONE
FALLON*	CUSTER
SHERIDAN*	VALLEY
STILLWATER*	CARBON; SWEET GRASS; YELLOW- STONE
1914	
MINERAL*	MISSOULA
RICHLAND*	DAWSON
TOOLE*	HILL; TETON
WIBAUX*	DAWSON; FALLON; RICHLAND
1915	
PHILLIPS*	BLAINE; VALLEY
PRAIRIE*	CUSTER; DAWSON; FALLON
1917	
CARTER	FALLON
WHEATLAND	MEAGHER; SWEET GRASS
1919	
GARFIELD	DAWSON
GLACIER	TETON
McCONE	DAWSON; RICHLAND
PONDERA	CHOUTEAU; TETON
POWDER RIVER	CUSTER
ROOSEVELT	SHERIDAN
TREASURE	ROSEBUD
1920	
DANIELS*	SHERIDAN; VALLEY
GOLDEN VALLEY*	MUSSELSHELL; SWEET GRASS
JUDITH BASIN*	CASCADE; HILL
1923	
LAKE	FLATHEAD; MISSOULA
1925	
PETROLEUM	FERGUS

LIBERTY

*Counties formed by the petition-and-election process; all other counties created by Legislative action.

Montana counties created and proposed

COUNTY CREATED	COUNTY PROPOSED *
1865	
BEAVERHEAD	
BIG HORN (DAWSON- CLUSTER)	
CHOUTEAU	
DEER LODGE	
EDGERTON (LEWIS AND CLARK)	
GALLATIN	
JEFFERSON	
MADISON	
MISSOULA	
1866	
MEAGHER	VIVION
1869	
DAWSON	VAUGHN
1871	
	OWEN
	ROBERT FISHER
1876	
	DEARBORN
1877	
CUSTER	DEARBORN
1881	
SILVER BOW	
1883	
YELLOWSTONE	
1885	
FERGUS	BITTER ROOT
	BRIDGER
	DEARBORN
	JUDITH
	PEN D'OREILLE
	STEVENS
	THREE FORKS VALLEY
1887	
CASCADE PARK	FALLS MONROE
1893	
FLATHEAD	BEAR'S PAW
GRANITE	BELKNAP
RAVALLI	BITTER ROOT
TETON VALLEY	LINCOLN
1895	
CARBON	
SWEET GRASS	
1897	
BROADWATER	
1901	
POWELL	DALY
ROSEBUD	
1903	
	LINCOLN
	PARADISE
	BEAR PAW
1905	
SANDERS	
1907	
	DALY
	ROOSEVELT
1909	
LINCOLN	HIGHWOOD SHAW

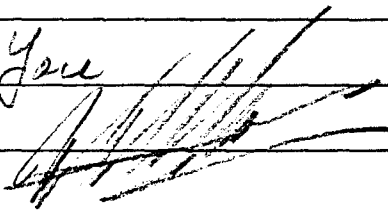
COUNTY CREATED	COUNTY PROPOSED *
1911	
MUSSELSHELL	BELT
	BURT
	CARDWELL
	CONRAD
	DALY
	LAKE
	MARIAS
	MERINO
	ORCHARD
	PIEGAN
	ST. MARY'S
	SHAW
1912	
BLAINE HILL	
1913	
BIG HORN	EDWARDS
FALLON	
SHERIDAN	
STILLWATER	
1914	
MINERAL	UNION
RICHLAND	
TOOLE	
WIBAUX	
1915	
PHILLIPS PRAIRIE	
1917	
CARTER	RIVER
WHEATLAND	SYKES
1919	
GARFIELD	ARGONNE
GLACIER	BASIN
McCONE	BELT
PONDERA	COGSWELL
POWDER RIVER	CRUSE
ROOSEVELT	DALY
TREASURE	DEARBORN
	EDGERTON
	GRANT
	JORDAN
	JUDITH
	McKINLEY
	MONTANA
	PERSHING
	REDWATER
	STUART
	SUN RIVER
	WASHINGTON
1920	
DANIELS	BANNER
GOLDEN VALLEY	MILK RIVER
JUDITH BASIN	
LIBERTY	
1921	
	CRUSE
	EDGERTON
	JOE BROWN
	REDWATER
	SANDSTONE
	UNION
1923	
LAKE	BUTTE
	HEDGES
1925	
PETROLEUM	BUTTE

*This is a preliminary, and therefore incomplete, list to which the names of other proposed counties can and should be added.

NAME Riley Johnson
ADDRESS 491 South Park Ave, Helena
HOME PHONE 443-5022 WORK PHONE 443-3797
REPRESENTING National Federation of Independent Business
APPEARING ON WHICH PROPOSAL? SJR-5
DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

NFIB/MT surveyed its 8,600 members in
MONTANA AND over 60% FAVORED SJR-5. This
Bill does NOT CONSOLIDATE COUNTIES. SJR-5 merely
deals with the issue with FACTS - NOT Fiction!
NFIB/MT supports A study AND supports SJR-5.

Thank You


WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO.

SB 25

DATE

3/4/93

SPONSOR(S)

Senator Eleanor Vaughn

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Gordon Morris</u>	<u>MA Co.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Alec Hansen</u>	<u>MLCT</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT _____ COMMITTEE _____ BILL NO. SB 159
DATE 3/4/93 SPONSOR(S) Senator Sue Dinkett

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Cott Harrington	Montano County Treas Ass	✓	
Drugs Olson	Helena - self	✓	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT _____

COMMITTEE _____

BILL NO. _____

SB273

DATE

3/4/93

SPONSOR(S)

Senator Barry Stang

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PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Alec Hansen	MLCT	✓	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT _____ COMMITTEE _____ BILL NO. 895
DATE 3/4/73 SPONSOR(S) Senator Del Gage
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Riley Johnson	NFIB	X	
Doug Olson	Hetena - self	X	
Darden Morris	MAC's		X

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.