

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on April 17, 1997, at 1:10 p.m., in Room 402.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Don Hargrove (R)
Sen. John "J.D." Lynch (D)
Sen. Walter L. McNutt (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: Sen. Wm. E. "Bill" Glaser (R)

Staff Present: Martha Colhoun, Legislative Services Division
Jodi Jones, Committee Secretary

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

Committee Business Summary:

HEARING(S) & DATE(S) POSTED: HJR 33 POSTED 4/14/97
Executive Action: HJR 33 Be Concurred In

HEARING ON HJR 33

Sponsor: REP. MATT DENNY, HD 63, Missoula

Proponents:

Alec Hansen, MT League of Cities and Towns
TONI HGENER, HD 90, Havre

Opponents: None

Opening Statement by Sponsor:

REP. MATT DENNY, HD 63, Missoula, presented HJR 33. He said there are a great number of bills that come before the legislature concerning Title 7. This bill will set up an interim committee

which will go through Title 7 and determine which kinds of statutes might be better for local governments to have control over and what should be decided at the state level.

Proponents' Testimony:

Alec Hansen, MT League of Cities and Towns, supported HJR 33. He said Thomas Jefferson always said that government works the best when it is closest to the people. He said local governments are starting to resent the state legislature telling them what to do. The people that represent the counties and cities are all elected and they do a good job. The cities, towns, and counties are all under I 105, and the person who created I 105 admitted his aim was to create a financial crisis for local governments so the legislature would create a sales tax. Ten years later the cities and counties are still out there and they are still operating. He used another example of Chet Blaylock: his firm belief of having elections and the right to vote on important issues that affect the cities and towns. He said we have to examine the relationship between state and local government.

TONI HAGENER, HD 90, Havre, rose in support of HJR 33. She used the example of rural counties that want to consolidate and do things together, but have to wait two years for when the legislature meets to get approval. The state legislature should not be bothered with these simple matters, it should be up to the local governments. She said two years ago there was a bill before the legislature discussing office hours of county employees. This bill should not be decided at the state level, but on the local level. She said who knows better the cost of prisoners that are being held in county jails than the local officials? However, counties still have to come to the legislature to set these costs. Counties need more power when it comes to dealing with emergency situations. She said at one time they had a rabies quarantine put on Hill County. The city, within a month could adopt an ordinance requiring licensing, etc. dealing with rabies. However, in the county they couldn't do this and they had to come to the legislature to put in an ordinance, and this is not logical at all. She said they were also impacted with a severe drought and the city could adopt an ordinance to stop the sale of fireworks, but the county could not. If the fireworks were permitted, it could have endangered the lives of 10,000 people or more. This study is worthwhile and is needed.

{Tape: 1; Side: A; Approx. Time Count: 1:26 p.m.; Comments: .}

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR MIKE SPRAGUE asked if this study would justify why cities and counties do not want oversight. **REP. DENNY** said no this is not the intent, this bill is here to examine the relationship

between cities and counties and the state. Currently, the power of local government comes from the state and not the people.

SENATOR SPRAGUE said in line 19 it says adopt a charter and later it talks about establishing self-governing powers. He said in his community those issues have been brought before the voters and have been denied. Is this bill asking to over-ride the vote of the people locally? **REP. DENNY** said the idea is not to grant these blanket powers all over the place but to study some of the issues in Title 7. There might be a range of bills that come out of this study to help clarify Title 7.

SENATOR SPRAGUE said it is frustrating to run local government from the state. Is it true that local government should have the power to do as they please? **REP HAGENER** said local governments should have the flexibility to handle local problems.

SENATOR DON HARGROVE asked what are the procedures under Title 7 for local decision on charters. **Alec Hansen** said charter government has to be approved by the voters.

SENATOR HARGROVE asked what sort of things would be done with this state study to determine local powers and is there any inconsistency here. **REP. DENNY** said the main idea of this study is to exam these issues so we better understand them and can improve on them.

SENATOR DOROTHY ECK said the number of bills that come through this system about local government, many of them the legislature should not be dealing with. She said during the Constitutional Convention one of the major discussions was unshackling local governments. It is a good idea to study local governments for one session. She asked if the local government center in Bozeman had been contacted. **REP. DENNY** said no, but on page 2 they have been included as a source of information for this study.

SENATOR SPRAGUE said as a town and government gets bigger and bigger and farther away from its people, isn't there always constant pressure from the locals. It is easier to make decisions on the state level with some objectivity because it is not so personal as it is locally. **REP. HAGENER** said, yes, there are local pressures and those are the people that you go to church with and your kids go to school with. When you really want to do something for you community you can't because you have to come to the legislature to do it and sometimes it costs the counties more.

CHAIRMAN TOM BECK asked if the local government center was working on anything like this? **Alec Hansen** said the budget bill that was before this committee several weeks ago was done by the local government center. They run an institute for the municipal clerks and they go to school through the local government center and the level of professionalism is among the highest in the west. This resolution is not dramatically expanding the powers of

local government. This interim committee will go through Title 7 and make it modern and simple.

Closing by Sponsor:

REP. DENNY closed on HJR 33.

{Tape: 1; Side: A; Approx. Time Count: 1:47 p.m.; Comments: .}

EXECUTIVE ACTION ON HJR 33

Motion:

SENATOR ECK MOVED HJR 33 BE CONCURRED IN.

Discussion:

SENATOR SPRAGUE said if this is a solution to some of the problems local government faces then lets pass it, but if it makes it worse, then this bill needs to be tabled.

CHAIRMAN BECK said this is just a study to identify some of those problems and create some recommended legislation.

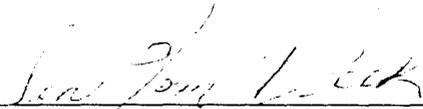
SENATOR HARGROVE said there are mechanisms where these things are addressed and the local level may be the area they need to be addressed at.

Vote:

MOTION THAT HJR 33 BE CONCURRED IN PASSED ON A ROLL CALL VOTE 5-3 (EXHIBIT 1).

ADJOURNMENT

Adjournment: 1:55 p.m.



SEN. THOMAS A. "TOM" BECK, Chairman



JODI JONES, Secretary

TB/jj