

January 12, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 3:45 PM in Room 225. The secretary called roll; all members were present.

Chairman Robbins opened the meeting and explained that an invitation went out to the Senate Local Government Committee to join this committee. The Senators will be allowed to ask questions by going through the chair. No one sets at the table except the committee, but today an exception will be made and Dale Harris, director of the State Commission on Local Government, will sit at the end of the table if the committee has no objections. The meeting will go an hour, adjourn, and will pick up where we left off on Friday. We will allow questions from the committee. We have Larry Weinberg, staff attorney of the Legislative Council, with us. Dale Harris introduced his people, Clyde Peterson, staff attorney, and Beth Richter, staff researcher. Dorothy Eck, State-Local Coordinator, introduced herself. Senators Thomas, Peterson and Watt were present. Also present were Dan Mizner, Montana League of Cities and Towns, and Dennis Taylor, researcher from the Legislative Council.

Dale Harris will give a summary of Title 47A and the meeting was turned over to him.

Mr. Harris said he is looking forward to meeting with the committee and working with them individually on House Bill 122. The preparation was first authorized by the 1974 Legislative Session which created the State Commission on Local Government and gave it one of its two responsibilities of preparing the revised codes of local government. The 1975 session received an initial report of the State Commission. The report to Legislature was dated November 8, 1974. This was a detailed explanation of how the commission proposed to organize all the laws into the single code. The House Local Government Committee of 1975 reported House Bill 177 out which created Title 47A. It provided the initial statutory authority and outline for the bill you have before you today. Also, in the 1975 session three important chapters of Title 47A were enacted. There are already enacted into law three major parts of what we call Title 47A: (1) alternative forms law which is codified in chapter 3, part 2; (2) self-government powers (home rule law) which is clarified in chapter 7, parts 1 and 2. They form the foundation for the rest of 47A.

The law suit in Billings against the Yellowstone Study Commission which challenged the validity of the laws has been decided favorably to the law, upholding the constitutionality, and so that initial legal test has been upheld at district court level.

This is the 6th printing of the 6th version of the code published and distributed to every city and county. You will hear a lot of complaints during the next weeks about people not having an opportunity to review or comment. The basic legislation has been available since May 1976. 1,600 copies were distributed. The supplement in September 1,600 copies were distributed. We

responded to every request that we received for a copy. The State Commission made every effort to make it available. Question - where the parts of the law that were recinded were they available? Dale - in each one of those publications it said that we are repealing Titles 11 and 16, which is about 90% of the laws. We did not attach Title 11 and 16 with the bills as they were distributed.

The Commission itself has met in monthly meetings since last August. The Commission has gone over every portion of the code at least two times and in most instances three or four times. Those drafts were taken to public hearings and many amendments were made as a result of the testimony at public hearings.

House Bill 122 is approximately one-fourth in column of the existing laws on local government. Within the code there are 701 sections and within the law we are repealing 2,552 sections. Local government officials have to work with this law on a daily basis, and present laws made the job of local government difficult. One major reason for combining city and county laws where possible so there is a single law for municipalities and counties.

The next major characteristic was the use of common provisions wherever possible to replace distinct provisions in existing law. There is a common provision for creating a board (1 method). That contrasts with the existing law where there are separate laws for each board. There are different laws with different provisions to create each board or district. One law now to create a district. It enabled the commission to repeal numerous existing laws. This bill leaves it up to the local governments discretion if they need a board. The size of board, length of terms and powers is up to local government, or if it is to be a citizen advisory board. There are groups that would want this bill amended to require mandatory library boards.

The organization of proposed local government is exhibit 1. Chapter 5 gives legislative powers and the procedure to follow is in Chapter 3, part 3. Chapter 6 is the services local government can provide. Cities get one new service this is zoos. There is not much change in services cities can now provide. Counties can now provide services directly under this code, before only by special district. Chapter 7 is the home rule part of the code. These are the two laws that were enacted by the 1975 Legislature. Chapter 8 applies to counties. These are the traditional functions of clerk and recorder office, clerk of district court, sheriffs office and county attorney. This part requires that these duties and services be provided by the county. The distinction being those services in chapter 6 are optional and in chapter 8 that service has to be provided. One exception applies to county government services required of elected officials. Chapter 9 is local government financing. It authorizes the type of revenues local government can utilize. Provides procedures for budgeting and appropriating.

Chapter 9, part 4, is the source of revenue that local government can use. They can only use what is authorized by legislature. Included in this chapter is the new optional taxes which is most controversial. Part 5 gives three types of bonds that can be utilized with common provisions.

Chapter 6, page 192, are services of a general powers local government. Services that any local government in Montana without home rule can provide. Within this chapter the Legislature grants local government the power to provide service. Services are categorized in seven groups, and if the service is not listed on the four pages local government may not provide the service. Page 193 is how local government can provide services. Authorized local government services and facilities may be provided in eight ways. What is distinct about this, we are saying in one place that you can use any of these eight ways to provide any service. You can have no board, an administrative board, or advisory board. By an interlocal agreement a county could contract with a city to provide garbage service. They could purchase the service from a private vendor or contractor. They could establish a subordinate district for the purpose of providing a service such as, cemetery district, rural fire district. The local improvement district is what city people now know as a SID and county people know as a rural improvement district where you levy an assessment against property receiving the service. The creation of public non-profit corporation such as, alcoholic service centers, child day care, a number of social services are contracted by non-profit corporation and funded to provide services. The laws creating authorities the Commission did not amend, revise, or modify. To franchise for a service that is current law in Montana.

The meeting adjourned at 5:00 PM.

Respectfully submitted,

  
Hershel M. Robbins  
Hershel M. Robbins, Chairman

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