

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3-7-77 House Bill No. 361 Time 10:54

NAME	YES	NO
George McCallum, Chairman		✓
Robert Watt, Vice Chairman	✓	
Pete Story		✓
Frank Dunkle	✓	
Lloyd Lockrem		✓
Bob Peterson	✓	
Cornie Thiessen		✓
Bill Thomas	✓	

Mary Miller
Secretary

George McCallum
Chairman

Motion: Be Not Concurred In

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 7

19 77

MR. President

We, your committee on Local Government

having had under consideration House Bill No. 361

Respectfully report as follows: That House Bill No. 361

~~SENATE~~
WITHOUT RECOMMENDATION

STANDING COMMITTEE REPORT

March 7,

19 77

MR. President

We, your committee on Local Government

having had under consideration House Bill No. 124

Respectfully report as follows: That House Bill No. 124

~~DO PASS~~
BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

March 7

19 77

MR. President

We, your committee on Local Government

having had under consideration House Bill No. 759

Respectfully report as follows: That House Bill No. 759

~~SEPARATE~~
BE NOT CONCURRED IN

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 7, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on March 7 at 9:34 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: O. G. Benson; Al Sampson, Missoula City Study Commission; Arlene Loble, City of Helena; Peter Koehn; Charles Parrett, Department of Natural Resources; Gary L. Spaeth, Department of Natural Resources.

CONSIDERATION OF HOUSE BILL 759: Representative Bengtson, District 59, presented House Bill 759 to the Committee. Gary Spaeth, Department of Natural Resources testified in support of House Bill 759.

Steve Turkiewicz, Montana Association of Counties, opposed House Bill 759 stating local governments may not have the resources to carry out the enforcement. Mr. Turkiewicz feels it is unnecessary interference by the state with local affairs.

CONSIDERATION OF HOUSE BILL 361: Representative Day, District 54, Sponsor of House Bill 361, stated the bill is a resolution to be presented to the voters in 1978.

Opponents. Peter Koehn, Missoula, read a letter from John Toole (attached) to the committee opposing House Bill 361. Mr. Koehn opposed House Bill 361 (attached) and proposed amendments (attached) to the bill. Arlene Loble, City of Helena, opposed House Bill 361. Ms. Loble does not feel Representative Day's amendment is necessary. Betty Boettger opposed House Bill 361 (attached). Darlene Grove, League of Women Voters, opposed House Bill 361.

House Bill 124. Senator Thiessen moved House Bill 124 be given a "Be Not Concurred In" recommendation. Senator Dunkle seconded the motion. Motion carried.

House Bill 759. Senator Lockrem moved House Bill 759 be given a "Be Not Concurred In" recommendation. Senator Story seconded the motion. Motion carried.

House Bill 361. Senator Lockrem moved House Bill 361

be given a "Be Concurred In" recommendation. Senator Watt made a substitute motion that House Bill 361 be given a "Be Not Concurred In" recommendation. Senator Dunkle seconded the motion. Chairman called for a roll call vote. House Bill 361 went out of committee without recommendation.

ADJOURN: The meeting adjourned at 10:40.


Senator George McCallum, Chairman

mm

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3-2-27

[illegible]

SENATE _____ COMMITTEE

VISITORS' REGISTER

DATE _____

Please note bill no.

(check one)

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

John H. Toole
Box 3327
Missoula, Montana 59801

March 6, 1977

Chairman, Local Government Committee
Montana State Senate
Montana Legislative Assembly
Helena, Montana

Dear Mr. Chairman and Ladies and Gentlemen:

I wish to protest the proposed Constitutional Amendment now before you in H.B. 361.

I have been involved in Local Government in one capacity or other for over 30 years. There is no question but that the exponential rate of change in our society requires special flexibility in the government of our cities and counties. Article 11, Section 9 of the Constitution makes this possible.

If the people were merely to hold an election to determine whether or not they should study their existing government, it would simply be a ratification or rejection of what government they now have. It might then result in an unnecessary election. Citizens should have a clear choice. It seems to me that they are entitled to that privilege. A Constitutional Amendment is not necessary.

The future review process, should, in my opinion be similar to the process carried on by cities and counties in 1976 in which explicit alternatives were presented to the voters.

I respectfully suggest and hope that you reject H.B. 361.

Very truly yours,

John H. Toole
JOHN H. TOOLE
Alderman - Ward 4

NAME: _____

DATE:

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

OPPONENT TESTIMONY ON HB 361
FOR THE SENATE COMMITTEE ON LOCAL GOVERNMENT HEARING
MARCH 7, 1977

by Peter Koehn, Assistant Professor
of Political Science, University
of Montana

I oppose this bill because I believe that the approach it calls for would completely and unnecessarily negate the many benefits embodied in the voter review provision of the present Montana constitution.

(1) The approach embodied in HB 361 prejudices a study of local government in the sense that the required vote on whether or not to undertake a review procedure will inevitably turn into a premature referendum on the existing form of local government. That is, if the form of local government is viewed as performing in a "satisfactory" manner, people will be inclined to vote against conducting a local study. But, the central purpose of the voter review authorized under present constitutional language is not to evaluate whether the existing form of local government is "satisfactory", but involves a comparison of the existing form with other possibilities to determine if there is a better form for one's community. The local government review procedure is similar in this respect to voter review of candidates for public office. We do not find it objectionable to review candidates for election every 2, 4, or 6 years. We do not first take a vote on whether or not to review the performance of the incumbent. Even if most people feel that the incumbent is doing a "satisfactory" job, we still insist on comparing his or her qualifications with those of other candidates so that we will elect the best available person. Montana's present voter review procedure is in this tradition.

(2) Some people have suggested that Montana's first experience

with voter review was a waste of time and/or money because so few places adopted a new form of local government. I disagree because:

(a) While only one of every six alternative proposals were approved by the voters, fully 65 percent of all proposals presented to the voters by Montana study commissions called for major change in the form of their local government. Also, many of those proposals that did not pass came close to passing this time around. And, a large number of the new forms of local government were adopted by the voters of small towns. These are: Circle, Bridger, Sunburst, Ennis, Fromberg, Hingham, Clyde Park, Virginia City, Broadview, Neihart, Fairview, Lodge Grass, Twin Bridges, Darby, Westby, Kevin, Dodson, Plevna, and Grass Range.

(b) Many very important, but subtle benefits can be directly attributed to the voter review process in most or all Montana cities, towns, and counties, including expanded citizen awareness of local government (an important objective held by the framers of the voter review section of the 1972 constitution), informal changes in local government structure or the behavior of local officials, and the involvement of new people in important local government roles.

(3) If the expense of voter review is your major concern, I urge you to consider the alternative of curtailing the amount of money made available to study commissions rather than by dealing with this problem by curtailing the entire process.

(4) Finally, there is an alternative to mandating voter review, short of requiring a premature election on whether to conduct a study that deserves serious consideration. That is, to provide that local government study and voter review only take place when at least 15 percent of the registered voters in a particular city or county sign a petition requiring that it takes place.

*Letter
Koehn - Mala*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 361

1. Amend page 2, section 3, line 21.

Following: "FOR"

Strike: "making voter review of local government optional

Insert: "requiring an election to determine whether a local
government review procedure should take place"

2. Amend page 2, section 3, lines 22 and 23.

Following: "AGAINST"

Strike: "making voter review of local government optional"

Insert: "requiring an election to determine whether a local
government review procedure should take place"

NAME: Stephen TURKIEWICZ

DATE: 3/7/71

ADDRESS: 1802 11th Ave

PHONE: 442-5209

REPRESENTING WHOM? MI. ASSOCIATION OF COUNTIES

APPEARING ON WHICH PROPOSAL: HB 759

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: This bill places the state in another position

^{unnecessary} interference with local governments and their affairs

Secondly, local governments have not yet been given the resources to regulate the flood plain standards as required by 43-517 R.C.M.

Thirdly, there is no fiscal note available for the estimated costs of to the counties to (1) implement the act (2) the costs to the state to implement the provisions of this act.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

John H. Toole
Box 3327
Missoula, Montana 59801

March 6, 1977

Chairman, Local Government Committee
Montana State Senate
Montana Legislative Assembly
Helena, Montana

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The future review process, should, in my opinion be similar to the process carried on by cities and counties in 1976 in which explicit alternatives were presented to the voters.

I respectfully suggest and hope that you reject H.B. 361.

Very truly yours,

John H. Toole
JOHN H. TOOLE
Alderman - Ward 4

NAME: BETTY BOETTGER DATE: 3/7/77

ADDRESS: Box 517 E. Helena

PHONE: 227-5437

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 361

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Procedural matters should not be
incorporated into the constitution. Such matters
should be a responsibility of the legislature.
Including procedures in the constitution
can only ~~lead~~ lead to a need for amendments
to such procedures as problems and techniques
for solving them change with the times.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

To: Santa Fe Local Government Committee

HB 261

3/7/77

My name is Betty Boettger and I am a resident of East Helena. Most of you are familiar with my background of study of local government for the past 4 1/2 years so I won't go into that again.

I have two reasons for opposing HB 361. The first and most important objection is to the provisions of the constitutional amendment itself as set forth in this bill. This amended version is at least preferable to the original version. However, the problem, as I see it, is this: how can people vote knowledgeably about whether or not there is a need for a study of their local government, until some kind of study has been done?

Ten years ago, or even five years ago I was not aware that a study of the form of government was needed in Lewis & Clark County. It was not until I became involved in some minor studies of our county government that I realized an in-depth study was needed. Unfortunately, few such independent, minor studies are carried out and few people become involved in them.

You might ask what benefit there was to the people of Lewis & Clark County because of the Study Commission work. There were many benefits, other than a renewed interest in local government. There was an immediate benefit as county officials began making changes in their procedures. Since changes began about the ~~th~~ time the Study Commission was elected I do not believe this was coincidence but was cause and effect.

For example, changes were made in the budget form along the lines developed by our researcher, so that people could more easily understand the budget.

In addition, citizens and the news media were given easier and more public access to officials through public meetings, radio talk shows, etc.

AMENDMENT TO HOUSE BILL 361

Amend page 2, section 3, lines 19 and 20.

Following: "title"

Strike: ", sections 1 and 2 of this act,"

NAME: Edward W. Nelson DATE: 3-7-77

ADDRESS: 1706 - 9th Ave.

PHONE: 442-2130

REPRESENTING WHOM? Montana Taxpayers Assoc.

APPEARING ON WHICH PROPOSAL: AP 361

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS:

This would be preferred over the
Present Mandate for Study. The
Present Study effort has not been supported
by the public. The cost of the present
Study effort should be reviewed. This
Property Tax Cost is an estimated
\$ 5,000,000.