

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

March 20, 1979

The meeting of the Local Government Committee was called to order by Chairman McCallum on March 20, 1979, at 12:10 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, staff researcher, was also present.

Many visitors were in attendance. (See attachment.)

CONSIDERATION OF HOUSE BILL 125: Representative Arlyne Reichert of District 37, chief sponsor of House Bill 125, gave a brief resume. This bill is an act to establish the Montana state-local revenue sharing program; to provide for the allocation of money to municipalities and counties, to provide for the distribution of money appropriated for the state-local revenue sharing program by the department of community affairs; and to provide for the use by municipalities and county governments of money received from the state-local revenue sharing program. Representative Reichert stated this is a rare bill, as it does not require any money and reduces property taxes.

Representative Reichert offered some amendments, which she felt would improve the bill. (See attachment.) Montana is one of four states which has no general state revenue sharing.

Dan Mizner, of the League of Cities and Towns, stood in support of this bill. He stated many towns are at their maximum in being able to levy taxes, HB 125 would help to offset the expenses.

David Hunter, of the City of Helena, stated his support of the bill. He told that a significant amount of Helena's costs are those mandated by the legislature. They are right up to their mill levies and have had to lay people off because they did not have enough money to pay them.

Joy Bruch, of the League of Women Voters, stated her group supports legislation which allows local governments adequate resources of revenue to be used as determined by the local government. (See attachment.)

Jim Nugent, representing the City of Missoula, stated this bill would establish the mechanism to allow a state-local revenue sharing program for the State of Montana. Mr. Nugent offered written testimony. (See attachment.)

Ron Kofar, Mayor of Red Lodge, stated his support of the bill.

With no further proponents, Chairman McCallum called on the opponents.

Ed Nelson, of the Montana Taxpayers Association, stated his opposition to the bill. Mr. Nelson stated that this bill would allow local governments to spend money without having to levy the taxes. Mr. Nelson offered a news clipping to go with his testimony. (See attachment.)

Representative Reichert made the closing remarks. She stated that when there is surplus, the money goes back to the people. This bill will provide a vehicle for joining the other 46 states that already do this. Representative Reichert stated this bill received bi-partisan support in the House.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

Senator Rasmussen asked how this would work. Representative Reichert used the coal tax as an example with the money going to the general fund and then distributed to the local governments.

CONSIDERATION OF HOUSE BILL 244: Representative Gene Ernst of District 47, gave a brief resume of the bill. Representative Ernst is the sponsor of HB 244. This bill is an act amending the Montana Major Facility Siting Act, requiring local governments entitled to participate in a certification proceeding to file a statement of intent to participate; involving local governments in the long range planning process. This bill assists the original Major Facility Siting Act. Citizens feel they are left out, which is a fault in the present law. House Bill 244 gives the local people some input.

Bob Gannon, representing the Montana Power Company, stood in support of the bill. Mr. Gannon stated the intent of the bill is to involve the local governing body. He said he would like to see the bill amended on page 5, lines 14-18, all to be stricken.

Peter Pauly, representing the Montana - Dakota Utilities, stated he supported the principle of the bill with the proposed amendments.

There were no opponents to the bill. Therefore, Representative Ernst made the closing remarks. He stated that the proposed amendments will not harm the bill. The nickname of this bill is "landowners relations bill".

The meeting was opened to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 682: Representative Bill Hand of District 82, chief sponsor of HB 682, gave a brief resume. This bill is an act to allow county commissioners in certain counties to establish the office of county attorney as a full-time position; to increase the salary of certain county attorneys; and to provide for the rendition of county legal services by persons other than the county attorney.

W. G. Gilbert III, of the Montana County Attorneys Association, stated that this bill will give the counties the flexibilities to make the adjustment they need to make. This would be the ultimate option for counties. He stood in support of the bill.

Tom Honzel, of the Montana County Attorneys Association, stated that this is a very important bill. Very little has been done since the original act was enacted. The work load is getting larger all the time. Needs vary from county to county and this bill will give them the flexibility they need.

There were no opponents to the bill. Representative Hand made the closing remarks. He stated that he feels this is a very necessary bill for the counties.

CONSIDERATION OF HOUSE BILL 851: Representative Bobby Spilker of District 32, chief sponsor of HB 851, gave a brief resume. This bill is an act to provide procedures for alteration of existing forms of local governments. Representative Spilker stated that local governments are not able to change their form of government without the vote of the people. House Bill 851 addresses the procedural question regarding changing forms of local government.

David Hunter, representing the City of Helena, stated his support of the bill. His cities have self-governing powers. This bill would give the procedural mechanism and also give the county commissioners the power to do this.

Jim Nugent, representing the City of Missoula, stated that HB 851 will provide the procedures required by the Montana Constitution in Article XI, Section 3, in 1972. (See attachment.)

Eva Spaulding, of the League of Women Voters, stated that the League recognizes that local government entities have varied and different needs. This bill will allow changes in the local government in the areas and in the way the majority of the voters want it. (See attachment.)

Dan Mizner, of the League of Cities and Towns, stated his support of the bill. This bill corrects the mechanisms to change the forms of governments.

There were no opponents.

Representative Spilker made the closing remarks. She stated that this is all new language and just clarifies. At the present time, there is no procedure in the law to allow cities to put it to a vote of the people.

HOUSE BILL 81: The hearing on HB 81 will be rescheduled for Thursday, March 22, because of lack of time

DISPOSITION OF HOUSE BILL 682: This bill is in regard to full-time county attorneys being allowed.

A motion was made by Senator Rasmussen that HB 682 "BE CON-CURRED IN". Motion carried with all members voting "yes" with the exception of Senator O'Hara who abstained.

ACTION ON HOUSE BILL 851: This bill is in regard to providing procedures for alteration of existing forms of local governments.

Senator Watt made a motion that the bill be amended to read 2 years.

A substitute motion was made by Senator Lockrem that the bill be amended to read three years. Motion carried.

CONSIDERATION OF HOUSE BILL 704: This bill is in regard to the allocation of state funds for public transportation.

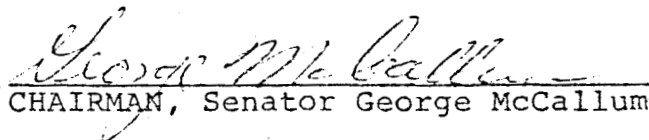
David Hunter, from the City of Helena, stated that the formula changes the money. The cities have gotten together and worked out a formula. The money will still come to the cities. Mr. Hunter stated that the cities cannot budget when they do not know how much money they will get.

ACTION ON HOUSE BILL 382: This bill is in regard to allowing private fire protection companies to continue to provide fire protection services to an area that has been annexed or incorporated.

A motion was made by Senator Lockrem that the Committee reconsider their previous actions on HB 382. Motion carried.

A motion was made by Senator Lockrem that HB 382 "BE CON-CURRED IN". Motion was withdrawn.

ADJOURN: With no further business, the meeting was adjourned at 2:55. The next meeting will be held on Wednesday at 12:00 noon for executive action.

  
CHAIRMAN, Senator George McCallum

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

# STANDING COMMITTEE REPORT

March 20 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 682

Hand (Rasmussen)

Respectfully report as follows: That House Bill No. 682

~~BE PASSED~~

BE CONCURRED IN

J.C.

SENATE

COMMITTEE

BILL \_\_\_\_\_

VISITORS' REGISTER

DATE \_\_\_\_\_

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
Tom Hengel	County Attorney	HD 192	<input checked="" type="checkbox"/>	
David Hunter	City of Helena	125 851	<input checked="" type="checkbox"/>	
Don Brown	Mt Assoc of Churches	81 244		
Ed Nelson	Mt. Taxpayers Assoc.	#125		X
Janette Fallon	Mt. Chamber of Commerce	125		X
Mike Stypke	Mt Assoc of Counties	HB		
Don Stypke	LWV	851	<input checked="" type="checkbox"/>	
Don Stypke	LWV of Montana	HB 155	<input checked="" type="checkbox"/>	
Tom Dawson	LTC to Health Dept.	HB 81	<input checked="" type="checkbox"/>	
Bill Hand, Sponsor	HB 685	HB 682	<input checked="" type="checkbox"/>	
Bob Lamm	Mont Farmer	HB 81	<input checked="" type="checkbox"/>	as amended
Don Deane, Vice	HB 244	HB 244	<input checked="" type="checkbox"/>	
W. G. Burt III	Mt County Attorney	682	<input checked="" type="checkbox"/>	
Tom Nugent	City of Helena	HB 81	<input checked="" type="checkbox"/>	
Stan Brulshen	DHES	HB 81	<input checked="" type="checkbox"/>	
ED CASNE	DHES	HB 81	<input checked="" type="checkbox"/>	
Don Brown	Mont Assoc of Churches	HB 81	<input checked="" type="checkbox"/>	
Don Brown	HB 244	HB 244	<input checked="" type="checkbox"/>	
Dottie Schmidt	Legis. Council	HB 81	<input checked="" type="checkbox"/>	
John C. Paul	Montana Bldg & Ltr Union	HB-244	<input checked="" type="checkbox"/>	as amended
Edith Co				
AS. Hanson	Mont Tech Council	HB-81	<input checked="" type="checkbox"/>	as amended
Dennis R. Rehberg	MT. Assoc. of Realtors	HB 81	X	with amendments

NAME: Tim Nugent DATE: 3/30/79

ADDRESS: 301 W. Spruce

PHONE: 731-4300

REPRESENTING WHOM? City of Mesquite

APPEARING ON WHICH PROPOSAL: House bill 124

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: This bill would establish the mechanism to allow

a state-local revenue sharing program for the state of Nevada.

This bill would allow property tax reduction at the

local level because the bill expressly provides that the

money received from the revenue sharing program

will reduce property taxes accordingly. A recent poll

indicates that the public would like to receive property

tax relief. This bill would serve as an excellent means

by which this could be achieved.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Ronald R. Ketchum DATE: 3-20-68

ADDRESS: Red Bank, Maryland

PHONE: 446-1213

REPRESENTING WHOM? Trans Red Bank Fund

APPEARING ON WHICH PROPOSAL: H.R. 128

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sam M. Wynn DATE: June 20 '77

ADDRESS: Helena

PHONE: 442-8968

REPRESENTING WHOM? Mont Citizens & Taxpayers

APPEARING ON WHICH PROPOSAL: HB 125

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

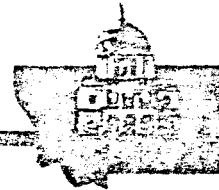
BRUCE J. MACINTYRE  
CHAIRMAN, BOARD OF DIRECTORS  
S. KEITH ANDERSON, PRESIDENT

# MONTANA TAXPAYERS ASSOCIATION

P. O. BOX 4909

1706 NINTH AVE

HELENA, MONTANA 59601



406 442-2100

March 20, 1979

Montana Taxpayers Association  
House Bill 125

## STATE REVENUE SHARING LEGISLATION

We hear a lot about revenue sharing from state and local politicians. It's always popular politically to tell your constituents that they are going to get something for nothing. The implication always is that someone else is going to pay the bill and you are going to benefit. This is a National disease, because shifting the cost of government to the next higher level is a politicians delight. For local governments to get money from state governments allows local politicians the pleasure of spending the money without the agony of facing the voters and increasing property taxes. So we see county, city and public school lobbyists going to the legislature wanting state revenue sharing so they don't have to face the voters at home with increased taxes.

And that's popular because it leaves the implication that someone else is going to pay the bill. So it is with the Montana legislature. House Bill 125 is an act to establish the Montana State Local Revenue Sharing Program to provide for the allocation of money to municipalities and counties and to let the Department of Community Affairs do the distribution. The money would be appropriated back to counties and cities on the basis of population without regard to need, without regard to tax base and without regard to whether local governments were being run efficiently or inefficiently.

Don't forget basically the same people pay the property taxes, income taxes and other levies imposed by state and local government. So when you are talking about taxing the other guy, the other guy is really you. The city govern-

ments have an out. If they really need more money to spend they can go to the voter and under present law ask the people to vote an additional 5 mills for city operation. But the cities and towns are not very interested in going this route. They want to be able to tax without voter approval.

Where is this revenue sharing supposed to come from? The bill doesn't speak of that. It only establishes the framework in case some ready cash comes along. But we know from statements made by the League of Cities and Towns that they would like to raid the personal income tax by some \$14 million dollars a year.

It is apparent this proposal has much more to do with increasing the expenditures of government than it does helping the taxpaying citizens of this state.

We urge the defeat of this proposal.

# The Gospel According to Jack Brooks

## Texas Congressman Preaches Against Revenue Sharing to a Tough Audience

By Susanna McTee  
Washington Post Staff Writer

Rep. Jack Brooks (D-Tex.), the crusty arch-enemy of the federal government's general revenue-sharing program, saw that he had a tough audience yesterday.

There they sat—1,000 county officials devoutly dedicated to the beneficence of the program that is sending states, counties, cities, towns, townships, boroughs, Indian tribes and Alaskan native villages some \$6.8 billion this year in string-free funds.

Speaking to such a group as the National Association of Counties, said Brooks, warning to the task, is "a missionary spirit in me. I look out and see all those souls needing to be saved from the false doctrine of revenue sharing, and I welcome the opportunity to try to bring you into the light of reason—and fiscal responsibility."

Like a minister trying to win the heart of a backslider, Brooks, the powerful chairman of the House Government Operations Committee, tried the friendly approach first.

"I have great regard for county commissioners," he began. "Together we've spent an awful lot of federal money."

Then he tried the empathetic approach.

"I can understand your dedication to such a program [as revenue sharing]. It is a great treat for a public official to enjoy the pleasures of spend-

ing without the pain of raising the money. I don't blame you for enjoying it.

"I'd dedicate those parks and the street work and that pothole work. I'd pay a couple of cops extra money, a couple of nurses, a couple of firemen. I'd buy a new something-or-other.

"I'd smile at the people, buy a new set of keys to the city, get my picture in the paper and tell them, 'We're just trying to do a good job for the folks here down home.'"

Some of the county officials, who obviously didn't like the message, were smiling in spite of themselves.

Brooks, the good ol' boy from Beaumont, Tex., was still playing the local official dispensing the revenue-sharing largesse. He said with sarcasm, "Don't say one damn word about where the money's coming from. Just tell 'em, I'm trying to help you all."

Now the NACO audience was laughing, and Brooks came to the point of his sermonette about a program that started in 1972 and, unless Congress renews it, will end Sept. 30, 1980:

"The truth of the matter is, it's a fraud," he intoned. And, seeing the smiles drop, he added, "But it's fun. I don't blame you. It's fun."

"But I'll tell you—that fun is running out. The federal borrowing power has reached its limit. . . . The national debt is expected to hit \$900 billion by the end of 1980. Just the payment of interest on the current debt is costing over \$55 billion a year.

The American people are demanding that we reduce federal spending."

Brooks concluded with something approaching a prayer, an exhortation to work together to find ways to help communities "that need help"—ways that do not mean "simply sending them more money. . . ."

"I hope you will put your considerable talents to that task and not use them to lobby Congress for programs that will only push us farther down the road toward centralized government and fiscal disaster."

He got a standing ovation. The NACO members were smiling, laughing, applauding.

Then, a few hours later they realized what hit them. A statement was drafted and the press was called.

Charlotte Williams, NACO president and a commissioner of Genesee County (Plint), Mich., said county officials will "strongly resist" any move in Congress to cut or eliminate revenue sharing.

"Inflation has hit local governments so hard that many have been forced to use revenue-sharing dollars just to maintain existing services," she said. "If revenue sharing were eliminated, county officials would either have to raise property taxes, a move citizens would surely oppose, or curtail many services."

Williams chided Brooks for saying that aid to state and local governments is leading the country toward

centralized government and, on the other hand, for opposing revenue sharing because Congress cannot control how it is spent.

"If Rep. Brooks were really concerned about maintaining our decentralized form of government," she argued, "he would support revenue sharing because it's the one federal program allowing states and localities to make their own decisions on spending priorities."

Brooks, informed of her reaction, said he expected it. He added, "It's hardly likely that the people who are spending all that free money would want to start raising it themselves."

AMENDMENTS TO HB 125

Rep. Reichert

1. Page 2, line 15

Following: line 14

Insert: (5) "State expenditures" means the total amount of money generated from state resources that is spent by any agency of state government, excluding:

- (a) money received from the federal government;
- (b) payments of principal and interest on bonded indebtedness;
- (c) payments for unemployment or disability insurance;
- (d) money received from the sale of a good or service provided that the purchase of the good or service is discretionary;
- (e) money received from permanent endowments, trusts, or pension funds;
- (f) proceeds of gifts or bequests made for purposes specified by the donor;
- (g) money appropriated for tax relief; and
- (h) funds transferred within state government or used to purchase goods for resale.

Section 4. State surplus to revenue sharing program.

- (1) Seventy-five percent of the amount by which state revenue exceeds state expenditure during any fiscal year must be transferred at the end of the fiscal year to a revenue-sharing account in the earmarked revenue fund, which account is hereby established.
- (2) Money in the revenue-sharing account may be allocated by appropriation for distribution under the state-local revenue sharing program established in [section 5]."

Renumber subsequent sections.

2. Page 3, line 11

Following: "reduce"

Strike: "their"

Insert: "the"

Following: "taxes"

Insert: "on residential property"

Comments of the Department of Health and Environmental Sciences

Subdivision Bureau

Over the past year, the Department has submitted a number of suggestions to the Interim Subcommittee on Subdivision Laws. The Bill which the Subcommittee has proposed for the Amendment of the Sanitation in Subdivisions Act, HB 81, has incorporated, in part, a number of these suggestions.

Instead of citing all of the changes which we support, we will discuss only the major changes.

"Subdivision Certificates of Survey"

Throughout the Act there is reference to "subdivision certificate of survey" in addition to "plat". This is done to make the Act's reference to the documents which we review consistent with already existing Sections which recognize that our authority over divisions which may be recorded on certificates of survey. The Department has had review authority over a number of such divisions since 1975. The word "subdivision" was added to "certificate of survey" to make it clear that our review authority is limited only to those certificates of survey which define a subdivision and not to all certificates of survey. For instance, we would not want to review certificates of survey which are merely retracements of existing surveys. The proposed amendment recognizes that situation as beyond the authority of the Department's review.

Administrative Enforcement (MCA 76-4-108)

The Department has recommended changes in the Act's enforcement provisions. First, the Department recommended changes in the administrative remedy available to it. As a matter of practice, administrative remedies are generally designed to provide a remedy which is easily invoked and whose sanctions are merely corrective, and not punitive. They are less drastic and less onerous than remedies which require application to district court either for penalties or injunction. The present administrative remedy, requires a scheduling, at the outset, of a fullblown contested case hearing prior to the issuance of any order. The problem with this procedure is that, for minor violations which might readily be cured, the scale of the enforcement is so costly and time consuming as to be prohibitive. Effectively, the present remedy, far from being one which allows for relatively expeditious remedy of minor violations, it creates a mechanism which makes pursuit of minor violations so cumbersome and time consuming as to be prohibitive.

In response to this problem, the Subcommittee has proposed an amendment which allows the Department to describe the alleged violation with which it is concerned and to prescribe the corrective action which needs

to be taken. If the alleged violator felt the Department's position is incorrect he may request a hearing before the Board of Health and Environmental Sciences to plead his case. Thus, the violator's procedural rights are fully protected, should he wish to contest the Department's actions, but the way is left open for a much more expeditious resolution of the problem should the alleged violator wish to merely correct the problem.

This amendment is modeled after a similar provision in the Montana Water Pollution Control Act which has been used with considerable success in dealing with widespread minor violations. The use of this kind of provision should scale down the cost of both enforcement and compliance to a level consistent with the severity of the violation.

#### Penalties (MCA 76-4-108)

The second major change which the Department has proposed is in the area of penalties. Currently, the Act indicates that any body violating the Act may be guilty of an offense and subject to a fine. Fines can only be sought by county attorneys. The difficulty with this particular penalty section is that, very often, county attorneys, because of their diverse and sometimes heavy work loads, place a low priority on violations of the Sanitation in Subdivisions Act. Also, very often, if a violator has succeeded in getting the clerk and recorder to file a certificate of survey improperly the clerk and recorder's action, however unwittingly, is also unlawful. As a result it makes it very difficult for a county attorney's office to go after criminal penalties. Also, people are loathe to attach the stigma of criminality to violations of the Sanitation in Subdivisions Act.

Accordingly, the Subcommittee, at the Department's urging, proposes a civil penalty section, again modeled largely upon the Clean Air Act and the Water Pollution Control Act. The purpose of the Civil Penalty Section is to provide some positive inducement to those who may consider violating the Acts. Right now, there is little danger of suffering any kind of monetary penalty. The only action which the Department is authorized to bring at this time is an action for injunctive relief compelling compliance with the law. Thus, if a person wishes to violate the Act at this time, he may do so with the knowledge that probably the worse sanction he faces is an action for injunctive relief telling him to comply with the law. Thus, upon receiving a complaint for injunctive relief he need merely come in and agree to comply regardless of enormity of his violation. Thus, the Department must spend considerable time and money in preparation of a suit against a violator, and the violator has no inducement to comply with the law since, the only penalty, should he be caught, would be compliance with the law. Accordingly, the Department supports the amendment for a civil penalty for which the Department could seek an action. Under the civil penalty section the Department could, in addition to seeking injunctive relief to compel compliance with the law, also ask that the court levy a civil penalty. This provides



some deterrent to the would-be violator who would otherwise want to gamble on getting caught, without adding the stigma of criminality to the enforcement act itself. It would be an alternative to the criminal penalty.

Finally, the Department wishes to express its opposition to the proposed language on page 8, lines 7-12. This section proposes to award attorneys fees to anyone who prevails in an action for injunctive relief. Currently, there is nothing in Sanitation in Subdivision Act or anywhere else in the MCA which authorizes the award of attorneys fees. Logically, if a party brings an action in good faith and loses, he should not be subject to attorneys fees. This sanction makes it difficult, if not impossible, for a bureau chief to plan a budget, since it is impossible to absolutely predict such an award. Thus, it serves as a deterrent to the vigorous enforcement which is lacking in the Act now. Accordingly, while it might be argued that the Department would be deterred from the indiscriminant filing of suits by this section, the Department's history of litigation does not support any suggestion. By the very nature of its limited staff and heavy work load, the Department must choose its cases carefully. Thus, a positive inducement to careful and well-considered filing of cases already exists. Accordingly, the Department asks that this section be stricken.

#### Review Authority to Local Governments (MCA 76-4-128)

Section 12 has completely reorganized the Department's delegation of review authority to local governments. Those subdivisions which the local governing body can review have been expanded to include not only subdivisions containing five or fewer parcels with individual water and sewer, but also subdivisions containing parcels ten acres or larger in size when each parcel has individual water and sewer.

Subsection 2 addresses the influence of the Montana Environmental Policy Act, with its requirements of preliminary environmental review or environmental impact statements, upon the subdivision review process. If a subdivision is going to include ten or more parcels the local governing body will notify the Department in case there is the necessity of doing an environmental impact statement. Subsection 3 recognizes that if the local governing body does not take complete review authority over from the Department then it must advise the Department of its recommendation for approval or disapproval. This provision is largely the same as what is in the existing law. Subsection 4 allows the governing body the option of taking full review authority for the subdivisions described in this section. It requires, however, that if the local governing body assumes that authority that it would also accept legal responsibility for the decisions that it makes under that authority.

#### Fees for the Review of Subdivisions in Master-Plan Areas

The House has deleted provisions page 6, line 21, which refer to the distribution of lot fees for subdivisions in master-planned areas. This section has generally been recognized as conferring the Department

with the authority to collect lot fees in master-planned areas. The Department has proposed an amendment for page 5, line 21 which would reinstate that authority.

Master-plan subdivisions receive much the same review as any other subdivision of its water, sewer, and solid waste facilities. In fact, the Department, even in master-plan subdivisions, is still obligated to conduct this review. The primary difference between the Department's review of master-plan subdivisions and other subdivisions is that, in master-plan subdivisions, the Department conducts its review after the plat has been filed.

Thus, to exempt certain people from payment of fees for review, and to require payment of others where the review is largely the same raises serious questions of equal protection and fairness under the law. In master-plan subdivisions, the taxpayer would be subsidizing the developers review. Thus, the Department urges that the Senate reinstate its authority to collect review fees for master-plan subdivisions.

These comments encompass the major changes proposed by the Interim Subcommittee on Subdivisions. The Department would be most willing to answer any other enquiries which the Committee might have.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES' PROPOSED AMENDMENTS  
TO HB 81

Page 8, lines 7 through 12: strike all but the first word of line 7, and all of lines 8 through 12.

Page 5, line 21: Add, after the word "subdivisions",  
"including Master-Planned Subdivisions."

Page 7, line 25: strike "willfully"

The League of Women Voters of Montana supports HB 851, An act to provide procedures for alteration of existing forms of local government.

This bill is a response to the Constitution of Montana, Article XI, LOCAL GOVERNMENT, Section 3. Forms of Government, (1) (second sentence), "The Legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question."

This bill spells out the procedures and process of changing a form of government in precise and detailed terms.

The League recognizes that local government entities have varied and different needs. This bill will allow changes in the local government in the areas and in the way the majority of the voters want it.

Presented by  
Eva Spaulding

HOUSE BILL NO. 808

This bill is intended to resolve a problem for smaller cities, 3rd class, and has no effect on 1st and 2nd class cities.

When the municipal police officers' system was created in 1977, it assumed that the cities choosing to participate would be locally administered funds that could be consolidated into a central state system. These assumptions worked for all 1st and 2nd class cities and all funds from these cities were transferred into a central fund.

However, there are several cities smaller than the 1st and 2nd class who had previously elected to cover their police officers under the Public Employees' Retirement System.

The original legislation providing for the consolidation did not anticipate this situation and did not provide for a transfer of funds and service from the P.E.R.S. to the municipal police officers' system.

House Bill 808 permits this transfer. It provides two alternatives to these smaller cities who elect to come under the municipal police officers' system at this time. It does not mandate or impose this decision on the cities. It is up to the city fathers whether they wish to continue under the P.E.R.S. or provide coverage under the police system.

For those cities choosing to participate, in the future only, the P.E.R.S. service is frozen and police officers with service under the P.E.R.S. will receive a partial pension from the P.E.R.S. and a partial pension from the police officers' system. If the cities choose to participate retroactively, they must provide any funding needed for past service credits.

House Bill 808 provides that the cities may make this transfer on January 1st of each year and this is primarily for administrative

purposes. This date will give the cities a 6-month time period to consider any changes in their retirement for police officers after the effective date of the bill.

This is a retirement measure only and has no effect on social security.

# The Gospel According to Jack Brooks:

## Texas Congressman Preaches Against Revenue Sharing to a Tough Audience

By Susanna McBee

Washington Post Staff Writer

Rep. Jack Brooks (D-Tex.), the crusty arch-enemy of the federal government's general revenue-sharing program, saw that he had a tough audience yesterday.

There they sat—1,000 county officials devoutly dedicated to the beneficence of the program that is sending states, counties, cities, towns, townships, boroughs, Indian tribes and Alaskan native villages some \$6.8 billion this year in string-free funds.

Speaking to such a group as the National Association of Counties, said Brooks, warning to the task, is "always a pleasure . . . It brings out the missionary spirit in me. I look out and see all those souls needing to be saved from the false doctrine of revenue sharing, and I welcome the opportunity to try to bring you into the light of reason—and fiscal responsibility."

Like a minister trying to win the heart of a backslider, Brooks, the powerful chairman of the House Government Operations Committee, tried the friendly approach first.

"I have great regard for county commissioners," he began. "Together we've spent an awful lot of federal money."

Then he tried the empathetic approach.

"I can understand your dedication to such a program [as revenue sharing]. It is a great treat for a public official to enjoy the pleasures of spend-

ing without the pain of raising the money. I don't blame you for enjoying it.

"I'd dedicate those parks and the street work and that pothole work. I'd pay a couple of cops extra money; a couple of nurses, a couple of firemen. I'd buy a new something-or-other."

"I'd smile at the people, buy a new set of keys to the city, get my picture in the paper and tell them, 'We're just trying to do a good job for the folks here down home.'"

Some of the county officials, who obviously didn't like the message, were smiling in spite of themselves.

Brooks, the good ol' boy from Beaumont, Tex., was still playing the local official dispensing the revenue-sharing largesse. He said with sarcasm, "Don't say one damn word about where the money's coming from. Just tell 'em, I'm trying to help you all."

Now the NACO audience was laughing, and Brooks came to the point of his sermonette about a program that started in 1972 and, unless Congress renews it, will end Sept. 30, 1980:

"The truth of the matter is, it's a fraud," he intoned. And, seeing the smiles drop, he added, "But it's fun. I don't blame you. It's fun."

"But I'll tell you—that fun is running out. The federal borrowing power has reached its limit. . . . The national debt is expected to hit \$900 billion by the end of 1980. Just the payment of interest on the current debt is costing over \$55 billion a year.

The American people are demanding that we reduce federal spending."

Brooks concluded with something approaching a prayer, an exhortation to work together to find ways to help communities "that need help" — ways that do not mean "simply sending them more money. . . ."

"I hope you will put your considerable talents to that task and not use them to lobby Congress for programs that will only push us farther down the road toward centralized government and fiscal disaster."

He got a standing ovation. The NACO members were smiling, laughing, applauding.

Then, a few hours later they realized what hit them. A statement was drafted and the press was called.

Charlotte Williams, NACO president and a commissioner of Genesee County (Flint), Mich., said county officials will "strongly resist" any move in Congress to cut or eliminate revenue sharing.

"Inflation has hit local governments so hard that many have been forced to use revenue-sharing dollars just to maintain existing services," she said. "If revenue sharing were eliminated, county officials would either have to raise property taxes, a move citizens would surely oppose, or curtail many services."

Williams chided Brooks for saying that aid to state and local governments is leading the country toward

centralized government and, on the other hand, for opposing revenue sharing because Congress cannot control how it is spent.

"If Rep. Brooks were really concerned about maintaining our decentralized form of government," she argued, "he would support revenue sharing because it's the one federal program allowing states and localities to make their own decisions on spending priorities."

Brooks, informed of her reaction, said he expected it. He added, "It's hardly likely that the people who are spending all that free money would want to start raising it themselves."

NAME: Eve DATE: 3-20-79

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING WHOM? League of Women Voters

APPEARING ON WHICH PROPOSAL: H/B 851

DO YOU: SUPPORT? ☒ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Tim Muehl DATE: 1/14/79

ADDRESS: 201 W. Spruce

PHONE: 711-4700

REPRESENTING WHOM? City of Portland

APPEARING ON WHICH PROPOSAL: House Bill 851

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Article XI § 5 of the 1977 Montana Constitution

expressly provides that "The Legislature shall provide for  
permitting a local government unit or combination of units to frame,  
adopt, amend, revise or abandon a self-government charter with the  
approval of a majority of those voting on the question."  
House Bill 851 would violate the procedure required by  
the Montana Constitution.

NAME: Paul V. K. Smith DATE: Mar. 19

DATE: May 10 1967

ADDRESS: 1414 E. 1st St.

PHONE: 442-2163

REPRESENTING WHOM? Ken C. Lee & Sons

APPEARING ON WHICH PROPOSAL: ND 931

SUPPORT?

AMEND?

OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: David Hunter DATE: 3/20/79

ADDRESS: Civic Center

PHONE: 443-6327

REPRESENTING WHOM? City of Helena

APPEARING ON WHICH PROPOSAL: HB 851

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bob L. ... DATE: 7/25

ADDRESS: 40 E Broadway

PHONE: 723-5421

REPRESENTING WHOM? Mont Rivers

APPEARING ON WHICH PROPOSAL: HB 244

DO YOU: SUPPORT?            AMEND? ✓ OPPOSE?           

COMMENTS: I will submit recommendations

NAME: TOM HONZEL DATE: 3-20-79

ADDRESS: Courthouse HELENA

PHONE: 442-4050

REPRESENTING WHOM? County Attorney

APPEARING ON WHICH PROPOSAL: HB 682

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W G Gilchrist Jr DATE: March 20 1971

ADDRESS: 15 S Idaho D. Hwy

PHONE: 683-4306

REPRESENTING WHOM? Montana County Attorneys Association

APPEARING ON WHICH PROPOSAL: 6.28

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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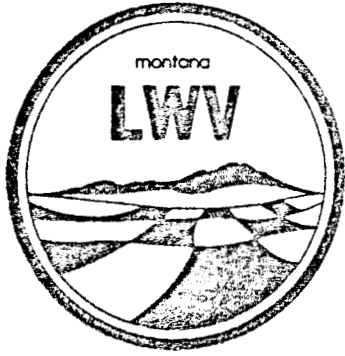
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



HB 125

State-Local Revenue Sharing

*VOTERS*

In the past, the League of Women<sup>of</sup> Montana studied "State Laws and Their Administration as They Affect Local Governments". From this study, and updates of it, we adopted a position which includes revenue sharing as one of the alternatives in local financing.

League members support legislation allowing local governments adequate resources of revenue to be used as determined by<sup>the</sup> local government.

Therefore, we strongly support HB 125, which establishes a vehicle that could give local government some financial relief through shared revenues.

Joy Bruck

League of Women Voters of Montana

NAME: Jay Bruch DATE: 3/30/79

ADDRESS: 1601 Illinois (Chicago)

PHONE: 413-3772

REPRESENTING WHOM? League of Women Voters of America

APPEARING ON WHICH PROPOSAL: HR 125

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Ed Nelson DATE: 3-20-79

ADDRESS: 1706 - 9th Ave. Helena

PHONE: 442-2130

REPRESENTING WHOM? Montana Taxpayers Assoc.

APPEARING ON WHICH PROPOSAL: HB 125

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

David Hunter

3/20/29

Civic Center

443 - 6327

City of Helena

11B 125

✓

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Stan Rudshaw DATE: 3-20-73

ADDRESS: 1400 17th Ave

PHONE: 440-2630

REPRESENTING WHOM? DHES

APPEARING ON WHICH PROPOSAL: H.B. 21

DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE?       

COMMENTS: Am. 1

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ED C ASNE

3/20/79

DHES

449- 3946

7452

HB 81

SUPPORT?

AMEND?

OPPOSE?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.