

The Local Government Committee met Thursday, April 2, 1981 at 12:30 p.m. in room 103 of the Capitol. Chairman Bertelsen called the meeting to order and the secretary called the roll. All committee members were present except Reps. Vinger, Andreason, Dussault, Gould, Hurwitz and Waldron. Rep. McBride was excused. Staff Researcher Lee Heiman was also present.

HOUSE JOINT RESOLUTION 60 - sponsored by Rep. James Azzara and others

REP. AZZARA introduced House Joint Resolution 60. He said it is a very general and broad resolution. It is meant to address what he believes is a broad range of concern that has certainly effected this session and sessions in the past. One way of saying it is that there doesn't seem to be sufficient communication between rural and urban interests in this body and there hasn't been for some time, certainly as far as my involvement with it goes. What that is beginning to mean for the large cities in Montana, especially the extremely rapidly growing high-density urban areas, is that there is not a response from this body to the flexibility and autonomy that some of the problems evolving there require. Why is that? I thought and thought on the matter and I believe there are a lot of reasons why that is the case. But we see that this session has basically junked most of the annexation bills which would have helped solve that particular problem which those bills were meant to address. The one bill which did survive is in considerably watered down form and there is no reason to believe right now that it is going to come out any differently.

It seems to me that rural legislators remain hesitant to change State law sufficiently to grant the autonomy which I think is a reasonable request that our urban areas are making. The scope of this study, should it be funded and selected, (I think there are going to be 30 competing for slots of 5), would be to study not only perhaps some of the questions left unresolved by the last Interim Committee on Annexation, but some of the problems left unresolved by the death of a lot of city interest legislation of the session such as revenue sharing, local option taxes, and new forms of special district agreements between urban and rural areas. Perhaps there should be a broad brush approach to the whole area of code that grants autonomy to local governments. Even some fundamental changes in form need to be made. At least I believe the cities are hurting enough that it is a reasonable request that those questions be examined.

Basically the intent and thrust of the resolution is to have a wide range of concerns that cities have expressed here but got no satisfaction on. In a studied and more relaxed atmosphere I hope that the most polarized opinions will be brought to bare in such a committee. I think some people actually have philosophical objections to allowing the kind of autonomy that I think is reasonable to be granted to cities anyway. I think those people

need to sit down with those of us who disagree with them and hash out whether that is a reasonable way to proceed.

The Resolution acknowledges that large cities are a relatively new phenomenon. We may say that since the inception of the Constitution, which mandated a liberal interpretation of the powers to be granted the local governments, both Billings and Missoula - being the two largest cities under discussion here - weren't nearly as big as they are now. The increment in their population and density has brought about new problems which perhaps even the framers of the Constitution couldn't foresee at the time it was drawn. I am certainly not suggesting any changes in the Constitution would come out of such a study, but I think we need to look at what the Constitution and its designers meant when they inserted the clause "the powers of local government shall be liberally construed." I think there are a few people here to testify on these generalizations, and I'll turn it over to them.

PROPOSERS FOR HOUSE JOINT RESOLUTION 60

Bill Cregg, the Mayor of Missoula, said he doesn't want to throw a lot of damp water on your jocularity today, but the problems are still here. We have been reciting a litany and chapter of verses on problems of the city for almost 90 days. You know them as we have come at you with mayors, council people, bureaucrats, firemen, League of Women Voters, Democrats, Republicans, tall men, short women and others. You know the whole story.

The best way to explain what has happened is in the '65 session. I sat on the Appropriations Committee with Francis Bardanoue as chairman. He summed it up best when he said, "gentlemen, we have labored mightily and produced a mouse." That is exactly what has happened, and since there is not much a premium on mice, we are wondering what went wrong. What should have happened is we are all good politicians and as such we hate mice, waste and motion. The League of Cities and Towns should have appointed me as their spokesman because of my elephant voice to come over here and in one sentence on January 6 tell you the story. Cities across Montana are in serious trouble because taxes aren't keeping up with inflation. The poorer cities, those without expanded tax bases, are virtually bankrupt and in desperate shape and have already had to lay off many people and cut a lot of services. Then, you could have appointed one spokesman to talk to the cities. I think Senator George McCallum would have been a good nominee and he could have told us in one sentence what we could have expected out of this session and that is, you get nothing. It is frightening as some people say that one man might have that much power over 60% of the people in Montana who live in incorporated cities and towns. The answer to that is "no" because he has help because the people, the citizens and the voters out there have not identified the magnitude of this problem. They are still a couple of years behind the game.

That is going to change because we have two budget sessions, one this summer and one in the summer of '82, before you come back and meet again. In those two sessions we are going to cut budgets for fire, police, streets and everything that has to be cut. It has to be. There is no way around it. We have accepted that and we'll have to let employees go and they know it's coming. The people can't believe that responsible, municipal officials like me, or responsible state officials like you, are going to contrive and sanction a situation where we are closing fire stations and reducing police protection. They can't believe this. But they are going to believe it, and when they finally do, they are going to come to you people and say, "What has happened?" Of course, this Resolution 60 is a convenient mechanism for you to say, "yes, we are looking at this and we're studying it again as we did HB 122. We'll come up with some answers for you."

It is tough. The cities realize it even though we've got some very good friends in the Legislature. Several of these friends are on this committee and we're grateful as hell for what you've tried to do for us. We recognize this is as frustrating for you people too, as it's been for us in the cities.

But go ahead and pass HJR 60. It is simply to study. The cities have learned to live with promises from the Legislature because if we didn't have empty promises, we wouldn't have anything.

DAN MIZNER said he is secretary for the Montana League of Cities and Towns. 10 or 15 years ago problems in the cities and towns basically weren't what they are today. I think some of the things that have happened are because of the growth that has taken place. We didn't have any zoning and planning bills in those days. You did what you wanted to do. If you wanted services, you joined with the city. Many of the outlying Legislators in those days were farmers and ranchers from representative counties and they had to consider both the city and county problems. They looked at the State as a whole. Then we changed and went to districts and the atmosphere of the Legislature changed a little. Now you have people who represent groups that are outside the city limits and those who are in the city. I guess we haven't gotten to a position in our political history of segregation of looking at the total problem. Politically that is what happens in a political situation today.

Under the Resolution and under some of the study committees, you can get away from that. What you are doing today, and what you say to constituents in your district on why you voted for this and why you didn't vote for that, is the political reality. The thing this study should do is get facts, figures, information and data together that the rest of the Legislators can take a hard look at. The basic data is something the State of Montana has to live with for a long time. I also think you should take a hard look at such things as double taxation and the growing resentment to those things. Also, look at the changes in the structures of cities over the last year and decide whether they are consolidation

type things which have some value. Look at whether laws ought to be changed to make it easier for cities to do things. There are many problems that could be looked at. I think when you are sitting in an atmosphere of not having to have a political answer when you get through with it, you can make some recommendations relating not only to the areas surrounding cities, but to areas which are away from the cities, some that are in the suburbs of growing cities and some from the cities themselves. If these things can be put together and looked at, I think some of the problems might get solved. I hope you will consider passing HJR 60.

MARGARET DAVIS represented the Montana League of Women Voters of Montana. As Rep. Azzara said, this is a very generally written study proposal. As a representative of the League, we are interested in a single product to come out of the Interim studies, hopefully a product that will meet better acceptance in general than the annexation laws did, which we thought in general were properly presented to the Legislature. We regret the ultimate disposition of many of those bills. We would like to see or suggest to this committee some sort of focus for the study. I realize that this is not particularly a suburban or an urban problem, but it is bigger than that. I would throw out for your consideration the possibility of focusing on special districts. This is something within the province of the Legislature. You have proliferation of irrigation districts, fire districts, lighting districts, parking districts, some are city type districts and some are county type districts and some are to incorporate both urban and rural land. They are becoming more and more powerful from the taxpoint of view. A number of them are independent taxing authorities which county governments have no control over. Ultimately, these districts will have a great affect on the future of both cities and counties. The relationship of these districts to the local government involved is a critical one and I think the time is right now for some sort of all encompassing study that would within this resolution look at these types of districts and ways of handling special needs in certain localities in a satisfactory manner.

CHAIRMAN BERTELSEN asked if there were further proponents. As there none, he asked if there were any opponents. There were none, so he asked Rep. Azzara if he'd like to close.

REP. AZZARA commented that there are no rural opponents here. Perhaps the bill is too general for it to draw feelings one way or the other. The scope of this study is again to bring rural people into the questions that we have raised here that the city people have raised. My objective is not to simply have a bunch of city people sitting around. It is a political undertone and I want to

see that this Interim Committee is established. It will be an exchange of ideas in a context where you definitely have clearly opposing interests. I think a little communication can close the gap between those interests if it is based on misunderstanding instead of an intellectual philosophical difference. Let's see what we can do to close the gap. I think a great deal hangs in the balance. Perhaps in closing I can say that the Resolution suggests that what we are after is something that can be mutually productive to both points of view.

CHAIRMAN BERTELSEN said as a personal comment, he feels there is a need for understanding because it seems to him there is a lack of understanding which is causing the most serious problem. We just fail to look at each others problems enough to see where they fit together. I have my name on this Resolution and I would like to see it go into effect, be really effective and come out with a cause that would do some good. We have to realize that this is the area where we as the Legislature failed in dealing with the problems of counties and cities to really solve their financial problems and a lot of other problems too. We just skirted the edge of it. We have to face up to that problem and try to do something about it.

REP. SALES moved HOUSE JOINT RESOLUTION 60 DO PASS.

REP. PISTORIA asked how big the committee would be to study the problems.

CHAIRMAN BERTELSEN said if it follows the pattern of other committees, it would be assigned to a Local Government Committee. I suppose the leadership would be composed of committee members of both the House and the Senate.

LEE HEIMAN said the special committee would be populated by people from standing committees.

QUESTION on DO PASS ON HOUSE JOINT RESOLUTION 60.

The CHAIRMAN asked that all in favor of HJR 60 reply by saying "aye". All committee members voted "aye" and the motion carried by unanimous vote.

The meeting was adjourned at 1:15 p.m.


Verner L. Bertelsen, Chairman

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

WILL HOUSE JOINT RESOLUTION 60

Date April 2 1981

SPONSOR Rep. James Azzara, et al

12:30 p.m.

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME

Bill Legg

BILL No.

HJR 60

ADDRESS

Missoula

DATE

4-2-81

WHOM DO YOU REPRESENT

City of

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

none

NAME Margaret Enslin BILL No. HJR 60
ADDRESS 917 Harrison, Helena DATE 2 Apr 81
WHOM DO YOU REPRESENT League of Women Voters of Mt
SUPPORT X OPPOSE AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Focus on special districts both urban and rural and the relationship of special districts to local governments.

STANDING COMMITTEE REPORT

April 2, 1961

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration House Joint Resolution BIF No. 69

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM COMMITTEE STUDY OF POSSIBLE RESOLUTIONS TO THE PROBLEMS OF LARGE URBAN AREAS WITHOUT INFRINGING ON RURAL INTERESTS.

Respectfully report as follows: That HOUSE JOINT RESOLUTION BIF No. 69

DO PASS