

MINUTES OF MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

March 19, 1983

The meeting of the Local Government Committee was called to order by Chairman McCallum at 12:35 in the Scott Hart Office Building Auditorium on March 19, 1983.

ROLL CALL: Ten Senators were present with Sen. Crippen excused for another Committee hearing.

CONSIDERATION OF HOUSE BILL NO. 426: Rep. Verner Bertelsen, District 27, said that in the Constitution it directs that before this coming election we must implement a new law for the establishment of a local study commission. This bill is being introduced for that purpose and for the implementation of their recommendations. It also provides for the levy of 1 mill for the funding of such commission. The election must be held no later than 1986 and every 10 years as required by the Constitution.

PROPOSERS: George Bousliman, Urban Coalition, said he had worked with Rep. Bertelsen on this bill. It is a necessary bill and he urged the committee's favorable recommendation.

Alec Hansen, Montana League of Cities and Towns, said it was very necessary to periodically review the forms of local government and asked for favorable consideration.

Vera Cahoon, Missoula Freeholders Association, said they would like to voice their support for this bill. It is very necessary and addresses many of the things they have been concerned with.

Ann Mulroney, League of Women Voters, was also in support of HB 426.

Mike Stephens, Montana Association of Counties, supported the bill.

There were no further proponents and no opponents.

There being no questions from the committee, Rep. Bertelsen asked that the committee pass this legislation.

CONSIDERATION OF HOUSE BILL NO. 115: Rep. Steve Waldron, District 97, sponsor of the bill, said this bill would allow the people who want a higher level of service or a different service than is being provided, to form a district to obtain those services and provides for the means for them to create this district. There are three ways this can be accomplished: petition, ordinance with protest provision and by referendum. It provides for the possibility of combining two small districts together and the means to do that and also in the event of crossing jurisdictional lines. This is the intent of the bill; for people to get additional or higher level of services.

PROPOSERS: Ann Mulroney, League of Women Voters, supported this bill to provide for local government services in outlying unincorporated areas. They supported it in the House and support it now. Their problems

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with the bill have been addressed and resolved. She felt it is a good piece of legislation and urged a do pass on it.

Jim Nugent, representing the City of Missoula and himself, read a letter from Dave Wilcox, the Administrative Assistant to the Mayor of Missoula. A copy of this letter is attached to the minutes.

Rosalie Buzzas, Missoula, felt it was important needed legislation. However, she wasn't sure that a 3-commissioner board should have this kind of power, based only on the fact that they do not have legislative powers.

OPPONENTS: Vera Cahoon, Missoula County Freeholders, was opposed to this bill and said that she had brought a great many people from Missoula also opposed to it. Mrs. Cahoon called it a "just in case bill"; just in case they don't get their desired form of government. She referred to page 3, lines 5, 6, and 7 and asked what "other funds" and what are "general taxes"? Also, they can create a service district with 15% of the electors of the district but to protest out it must be 51%. They can provide no better services than what they are getting today.

Tina Fausett, Clinton, cited section 2(4), section 12(c) and section 2(5). She said these are just a few points and they are the reason to ask the committee to kill this bill.

Alan McQuillan, Milltown, stated eight reasons for his opposition to the bill: (1) never goes before the electorate for a vote; (2) too hard to protest; (3) no definition of "service", could be anything and everything; (4) no restriction or stipulation of kind and amount of taxes; (5) existing services could be put into the service district thus freeing the general budget for other projects; (6) another effort to give more power to local government; (7) poorly written, and (8) a service district can issue bonds, then if the district is terminated, the debt evidently rests on the local residents. (See attached testimony).

Arlyss Bolich, Missoula, was wholeheartedly opposed to the bill. They own five acres and didn't feel it should be in the city. She felt their services are very adequate in the county. If they can prove that their services are better they may want to come in. On some property they own in the city, the sewer taxes had increased from \$487 to \$937/year.

Elmer Flynn, who lives on the west side of town and is a rural taxpayer in the county, said they have been having meetings and every area has been represented - this is a rural community meeting. No one had heard of any new service that those people want or need. This is a request from the city of Missoula to go out of town and raise taxes.

Robert A. Holding, attorney from Missoula, said he didn't think it has been decided what "services" are and felt this could lead to a lot of "monkey business".

Doris Olofson, Missoula, said this should be left up to the people; the voters and the people who pay for it.

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provided for the county. She felt this usurps the rights and powers of the people.

Rep. Bernie Swift, District #91, agreed with everything that had been said. He felt it was very bad legislation. They have taken an old bill and rewritten it. The only change that he could see was "incorporated area" had been changed to "unincorporated area" and it would do the things that the opponents have said.

Sandra McQuillan, Milltown, representing herself and Stone Mountain Neighborhood Association, read a portion of a letter from Dr. Hans Zuuring, President of the Stone Mountain Neighborhood Association, a copy of which is attached to these minutes with the testimony of HB 643.

Edward E. Braach, Missoula County Freeholders, was opposed to the bill and felt it was very poorly written.

Rep. Dennis Veleber, District 98, was opposed to the bill.

Julie Hacker, Missoula County Freeholders, urged that the committee defeat this bill. This will create another layer or bureaucracy.

Robert L. Hunter, Missoula County Freeholders and himself, believed that HB 115 is a confusing bill and poorly written. It is trying to take away the rights of the property owner and give it to the local government. It is just a method of raising more taxes for them to operate on. Also wondered what is the definition of "services". (Copy of testimony attached.)

David Maclay, representing himself and the Farm Bureau, said he lived in Missoula and didn't object to paying taxes but this bill is too involved and too inclusive. It is a bill which would permit elected officials to do many things which we don't necessarily want them to do. He also thought it was a poorly written bill.

Bob Flachsenhar, Missoula Freeholders, was opposed to the bill. It takes away another one of our freedoms and gives it to a city governing body.

Clifford L. Olofson, Missoula, said he was very opposed to this bill and it is not needed as far as he could see.

Robert Loran, Missoula, opposed the bill.

Sam Maclay, Lolo, said this gives the city of Missoula and other municipalities the ability to do this all over the country. He said he has seen the country grow for about 85 years and said it was the worst piece of legislation he had ever seen.

Arwood Stickney, Missoula, believed if they have to have public service districts, they can circulate the petition to solve and take care of their own problems. This bill is too much and asked that it be killed.

Arlene Graham, Missoula, felt it was a very unnecessary bill.

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George Getz, and also speaking for Mrs. Hodges from the Hawthorne Home-owners, said they have all the services they need and said the bill should be killed.

DISCUSSION OF HOUSE BILL NO. 115: Sen. Fuller asked Rep. Waldron if he represented Clinton and Rep. Waldron said he did not, he represented Montana. Sen. Van Valkenburg asked Mrs. McQuillan if she felt there were amateur and incompetent politicians at the state level since she thought there was at the local level. She said, "You have to fool more people to become a politician at a higher level."

Sen. Thomas said that the common complaint is that these people are not paying for parks, swimming pools, streets, etc., however, they do pay county taxes. Sen. Fuller asked Mrs. Cahoon who the Missoula Freeholders are. Mrs. Cahoon said they are an organized group in Missoula county. They either own their own property or are buying the land on contract for deed. They number around 600 members. Sen. Story remarked that these people are the taxpayers.

Sen. Marbut asked Rep. Waldron if this included the power to sell bonds. Rep. Waldron said it did not. Sen. Marbut referred to lines 24 and 25 on page 2 and the top of page 3 and asked what if the people refuse to be annexed. Rep. Waldron said this is not an annexation bill. By service districts they can get the services without being annexed. Sen. Marbut said that the reason for that section is that it is extremely difficult to annex right now and consequently, if there are services they want, annexation should be the simple solution. Rep. Waldron said that the bill could be amended. Sen. Marbut asked Rep. Waldron if the certification process is part of the 30 days or does it precede the 30 days? Rep. Waldron said this did not have anything to do with the protest. The thirty days is after a notice of adoption of the ordinance.

Sen. Boylan MOVED THAT HOUSE BILL NO. 115 BE INDEFINITELY POSTPONED.  
NO ACTION TAKEN.

Sen. Fuller asked Rep. Waldron if he had a specific problem that motivated him to introduce this legislation. Rep. Waldron said that no one had asked him to introduce the legislation. He said he has an interest in local government and this seemed a logical way to get a higher level of services. This would allow the people in Hill View area to form a district to deal with the drainage problem. It crosses the jurisdictional lines and it would allow them to take care of their own problems.

In closing, Rep. Waldron, said he felt the opponents are confusing this bill with HB 643 and that it has nothing to do with annexation. The bill allows people who wish extra services, to go ahead and have the services and pay for them. It allows them to put it on the ballot. However, one thing that the bill has the potential for doing is to make it less likely to want annexation. They can use this bill to pay for only the services they need. If they don't want any more services, they don't set up a service district. He was sorry that these people were confused about the two bills. This bill would provide the means to get additional services but they are going to have to pay for those services.

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CONSIDERATION OF HOUSE BILL NO. 643: Before the hearing on HB 643 began, Chairman McCallum established some ground rules. He allotted 40 minutes to the proponents to present the bill, 45 minutes for the opponents to the bill and 5 minutes for the proponents to make closing remarks.

Rep. Jim Jensen, sponsor of the bill was presenting a bill before another committee so the Local Government Committee proceeded with the proponents of the bill.

PROPONENTS: Tom Payne, Missoula County, Upper Rattlesnake, was in support of HB 643. The problems with the Missoula suburban area need to be looked at and need to be dealt with. He said he was talking about the people who are adjacent to the city limits of Missoula. One of the problems is the metropolitan area sewer system. This was established about 22 years ago. The outlying areas are served by septic tanks. Missoula has four alternatives; annexation authorization strengthened, additional taxing authority, work for consolidation or the city is going to have to disincorporate. He said he had lived outside the city for 14 years and inside the city for 18 years. He felt the people are benefitting from things that they are not paying for and urged the support of HB 643.

Jim Whitloch, City of Hamilton, read part of his written testimony which is attached to these minutes.

Bud Schatz, Administrative Assistant for the City of Hamilton, said he has worked for 10 years in local government. Mr. Schatz had a picture that showed the Hamilton area. He said that 54% of the tax value in this county is from the commercial area. He explained that there are strips of land that are privately owned on the edges of the city that keeps them from supplying city services to people on the other side of these strips of land that want these services. He said they must get a tax base established. He felt that the individuals that are opposed to this bill do not want to pay increased taxes. They are the minority in the county. The city has taken in commercial developments to keep this tax base up. They have to have economic growth and have to have jobs.

Timothy Lovely, Lolo rural area, said he worked in the city and used the facilities and everything that the city has to offer. He felt those who are using the facilities should pay their fair share. (Copy of testimony attached).

Leon Stalcup, Alderman from City of Missoula, turned in to the Committee some testimony from people in Missoula in support of HB 643 and who were not able to attend the meeting. He had a large map of the city of Missoula and the area surrounding the city. He also had an overlay, in red, that showed the areas that would be affected by this bill, which would be six areas. He said that a large portion of what appears to be city is outside the boundaries of the municipality. He cited one area that has approximately 1,000 dwellings and 4500 people, all served by septic tanks. There is a tremendous soil problem and the failure rate of these systems is staggering. In the 10-12 years they have been in existence, many have had three systems. He asked for the passage of this bill before a serious health problem develops and the water table will not recuperate.

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Lois Herbig, Councilperson from Ward I, read her attached testimony and also handed in a letter from Mayor Craig of Missoula, also attached.

Jim Nugent, City Attorney, Missoula, read his attached testimony. He also asked who controls the traffic on these streets? The city. He urged passage of the bill.

Alec Hansen, League of Cities and Towns, said he lived outside the city and works in town, his children use the schools, he drives on the city streets, they swim in the city pool, play in the parks, use the library and other amenities of the city. He felt if the question came up in his neighborhood, the majority of those people who do the same things he does, would vote not to be included in the city of Helena. The real question is, would it be fair and for that reason urged the support of 643.

Rosalie Buzzas, Missoula, said that Montana is a rural state. Rural and urban legislators must recognize that there are problems. It must grow in an orderly fashion and realized that there is animosity between the two factions. She hoped that the committee could rise above those arguments. This bill exempts the rural areas because of the density requirements in the bill. She urged the support of this bill and felt it was long overdue.

Charles Gibson, Assistant Fire Chief in Missoula, thought they could give these people more fire protection with this bill and felt that most of the arguments in favor of 643 have been stated.

Vernon Erickson, Montana State Firemen's Association, felt that those outlying areas would have more protection under this bill.

Ann Mulroney, League of Women Voters, agreed with the previous speakers. The density requirement in this bill is an urban density and she also said that this would not be a radical departure in annexation laws as Montana is one of the few states that does not have this type of legislation.

Rep. Jim Jensen, District #66, sponsor of the bill, appeared at the meeting. He stated that there are two classes of opponents to this bill. One are those that will not be affected under this bill as they do not meet the minimum requirements. He did not understand their opposition. The others are the ones where the opposition comes from selfinterest - they receive something for which they do not pay. He did not know whether the legislature could keep on sanctioning freeloading on the cities or not. The first group of opponents are the ones with the most to lose in the long run because if the city disincorporates these people that are not affected would be burdened by paying for services they don't use.

OPPONENTS: Arwood Stickney, Orchard Homes Area, was opposed to the bill. He said that the city of Hamilton now has 20 policemen; what is Mr. Schatz' salary? Maybe this is part of the problem. These outlying areas can circulate petitions and take care of their own problems. They don't need the help from Helena (Legislature).

Robert A. Holding, Attorney from Missoula, said he had represented most of these people several years ago in an annexation action that eventually

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went to the Supreme Court. He said that the increase in taxes is the least of his problems. He felt they have a good county government, good services, and they are supposed to trade that for city government and city services? He has not seen any meetings where the city people came and talked to these people to show them the benefits of the administration. These people are not here asking for these services. They are not against paying taxes but want to get their money's worth. This bill also takes away the right of protest. They should have the right to know what government is going to do to them and for them. He felt it was a bad piece of legislation. If these cities wish to enlarge their areas, they better do a better selling job. The people want to have something to say. He asked the city to come and show him the services that he must have and needs, that he can benefit from and they may be surprised!

Alan McQuillan, Milltown, representing himself and the Missoula Freeholders, said he did not think he would be directly affected by this bill. He was working as a carpenter when the residences were built on South Hills and he felt they should not have been built there. He felt there may be a problem of managing or governing contiguous areas, but he also thought there was a legal fear of increased taxes and proliferation of government in general. If there are problems that they cannot argue with, then maybe what they need is specific legislation to address those points. There is a symbiotic relationship between the city and county. Fifty percent of the jobs in western Montana are either directly or indirectly dependent on the forest products industry. He was particularly opposed to section 1(a), page 1, lines 9-15.

James Lofftus, Turah, Chairman of the Missoula Rural Fire District Board of Trustees, said he wanted the taxes kept as low as possible. They would have to raise the mill levy by 2 mills and more. The city would probably have to raise their taxes also.

Rep. Dennis Veleber, District 98, was opposed to the bill because it did not have any right of protest.

Arlyss Bolich, Missoula, said they were one of the original members that formed the Missoula fire district. As for them saying the county people do not pay for the use of the parks, Franklin Park was donated to the children of an area that, at that time, was county land. It was outside the city.

Rep. Bernie Swift, District 91, said that this bill takes the absolute rights away and there would be a difference in taxes, but the thing that bothered him the most was the taking away of rights. A copy of a letter to the editor of the Ravalli Republic from Rep. Swift is attached to these minutes. He felt there is nothing wrong with annexation laws now. Hamilton knew they were going to have a \$5 million cost and it was voted down, but this does not give them the right to usurp the rights of people to be involved in an action that is going to affect them.

Vera Cahoon, Missoula Freeholders, said she would be very brief because she felt that everything had been said. Her main objection is the withholding of the protest. They also had the same comments as in the interim study. The same bill is being introduced and it is being passed easily.

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She also said that there are taxpayers that don't have the money to stand any more increases in taxes.

Martha Powell, City of Missoula, did not agree with the bill because it removes their right to vote on this. Missoula city has 33 developed parks and who knows how many undeveloped ones. They also have a bicycle coordinator and his assistant; they cannot afford to keep up all 33 city parks and she felt there is too much "fat" in the city budget. The city doesn't need the county to come in and pay taxes. Taxes are exhorbitant now and they will still go higher. (See copy of attached testimony).

Edward E. Braach, Missoula, was opposed to the bill and said he know of an area that had been annexed in 1954 and they still don't have a sewer system.

Paul Stanton, who lives outside of Hamilton, said that money is not the only reason that he opposed annexation. There are hundreds of laws and regulations and objected to being forced into the city. He wondered why their rights differ because they live on the outside of the city. They pay library taxes, taxes to support the fire department, etc..

George Getz, Hawthorne Homeowners, was in opposition to HB 643 because of the loss of protest rights. He felt they could take four acres in a circle and take the land in the middle.

David MacLay, City of Missoula, said he did want to make his town better. They know what is coming in in taxes and the city of Missoula would do very well to recognize its size and do its job. There is a drainage system that is causing trouble. He told these people to set up an SID and take care of it themselves. These people are happy where they are. Rather than resisting the city, they should get together and take care of their problems. He said he respected their wishes to be outside the city and didn't think they were objecting to the taxes. Van Buren Street which goes up the Rattlesnake area is on the state system. The State gave Missoula \$250,000 to take care of these streets; instead the money was spent on machinery. These six areas that Mr. Stalcup is talking about also join other areas. They are not really solving the problem.

Julie Hacker, Missoula Freeholders, read a clipping about the birthday of Missoula and the 68 residents that lived there at that time (100 years ago). Even those people knew when they formed a city government that it was going to cost them something. She said she lived 25 miles out of Missoula and because she listens to the radio, she knows what is going on in town. She has heard the bickering over the street signs, etc. People do not want so many restrictions and urged that the committee defeat HB 643.

Sandra McQuillan, Milltown, representing herself and the Stone Mountain Neighborhood Association, submitted written testimony and also read from a letter from Dr. Hans Zuuring, President of the Stone Mountain Neighborhood Association. (A copy of the letter is attached, along with Mrs. McQuillan's testimony).

John L. Cain, Ex-sheriff of Hamilton, felt the real problem with the



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was the omission of the landowner having anything to say. They might consider annexation if the city would approach them and explain what would be done. An engineer had told him the water system that Hamilton bought would have been a poor buy at \$100,000, much less than what it cost. He felt that he has a right to vote and felt that he could demand to vote on this.

Bruce Benson, Missoula County, said he would not technically be involved with annexation, only indirectly. Two years ago they tried to annex what he is now farming. The residents of this area want to keep it the way it is. This bill would also give the city a greater political base besides an increased tax base. He cited three reasons for protest provisions: if the people cannot meet city laws; the city cannot provide equal or better fire protection, and if it would change the character of the neighborhood involved. He asked that if there is no protest provision in this bill, that it be killed.

Bob Huntley, Missoula, said the proponents all seem to be city government people and it looked to him that they are after more operating dollars. The opponents seem to be in favor of keeping their right to protest. Does their right to the dollar mean more than the right to protest?

Bob Flachenshar, resident of the city of Missoula, was opposed to the bill because he said everytime they annex a portion or an area, his taxes go up!

Clifford Olofson, Missoula, said that these county residents are spending a lot of money in the cities and are helping the merchants pay their taxes.

Sam Maclay, Lolo, said there are several thousand people living in Lolo. He said he would be one of the people to try and get them into a municipality so Missoula couldn't take them over, however, he felt Lolo is apathetic and doesn't know what's good for them!

R.A. Ellis, Helena and West Helena Valley Fire Department, said the right of protest has been taken away. When it comes to city services, there is no such thing. That is charged to the people that are annexed. The city taxpayers should have the right of annexation. These people have to pay for the increased costs of annexation and they would still have the traffic on the Rattlesnake (Van Buren). There are very few places where a septic system cannot be used but they must be put in right so they operate efficiently and correctly.

DISCUSSION OF HOUSE BILL NO. 643: Sen. Van Valkenburg asked Julie Hacker what she thought about city-county consolidation? Mrs. Hacker said she preferred to defer to the question of annexation as she felt the question was not on the subject. Sen. Van Valkenburg felt it is connected to annexation, particularly in Missoula County, because if they cannot grow in some logical fashion, he felt the city residents will vote to bring in the entire county. Mrs. Hacker asked Sen. Van Valkenburg to restate the question. Sen. Van Valkenburg asked Mrs. Hacker about city-county consolidation if Missoula city does not have the power to annex outlying areas. She said the city of Missoula does have the power to expand its boundaries. They can explain to these

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residents that they can provide better services and more of them. The residents, however, must have the right to approve or disapprove before being taken in by annexation.

Sen. Fuller asked for a show of hands of those people opposing the bill who would be directly affected by this bill. Perhaps 25-30 persons raised their hands, however, Sen. Fuller asked again if they were all directly affected by annexation.

Sen. Marbut asked Mr. Stalcup what the change in population of Missoula would be. Mr. Stalcup said the red areas that were shown on the map overlay is about 14,000 or 40% increase in the size of Missoula. Sen. Marbut asked Mr. Schatz what the water rate change was after the purchase of the water system in Hamilton. Mr. Schatz said, with all the costs figured in, it went from \$2.25 per month, which it had been for 30-35 years, to \$11.10 per month.

Sen. Marbut asked Mr. Stalcup if he was aware of the infrared photography that had been done some years past concerning the failures of the systems in the Missoula area. Mr. Stalcup said he was not and Sen. Marbut told him that the failure rate was less than .2% and that the sewer program in Missoula is very satisfactory. Concerning the sewer system, is it possible for the city of Missoula to provide those services outside the city? Mr. Stalcup said it was legally possible. Sen. Marbut wondered if this might not be a very smart environmental idea and Mr. Stalcup said it would be.

In closing, Rep. Jensen referred to the ex-sheriff of Hamilton who is using the streets, etc., yet pays no upkeep. That is what this bill is all about. He should, in fact, pay his share of the costs of maintaining those streets. There is something being gained for nothing.

The question of rights has been approached here. However, the city resident doesn't have the right to protest the freeloading on them. These people that live in the outlying areas and who are not affected by the annexation are going to be penalized in a most unfair way. They are going to pay higher taxes than they ought to if the government consolidates or if the city dissolves itself. These cities are hamstrung. They ought to be able to grow.

MEETING ADJOURNED 3:05 p.m.

  
SENATOR GEORGE MCCALLUM, CHAIRMAN

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/<sup>19</sup>~~12~~/83

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER			
CRIPPEN			✓
HAMMOND			
STORY			
MARBUT	✓		
CONOVER	✓		
FULLER	✓		
THOMAS	✓		
VAN VALKENBURG	✓		
BOYLAN	✓		
McCALLUM	✓		

DATE Mar 19 1983COMMITTEE ON Local Government

HB 426-115-643

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jim Nugent	City of Missoula/self	HB-643	✓	
Walt Cahoon	<del>SELF</del> MISSOULA FREEMAN	115-643		✓
Shirley Cahoon	Miss Co Freeholder	HB 115 643		✓
Martha Powell	Missoula - self	HB 115 " 643		✓
Robert P. Prunty	Missoula - self	HB 115 HB 643		✓
D. J. Loran	Missoula self	HB 115 HB 643		✓
Helene S. Lutz	Missoula self	HB 115 HB 643		✓
George Lutz	Missoula self	HB 115 HB 643		✓
Jay Nelson	Missoula self	HB 115 HB 643		✓
Paul J. Nelson	Missoula self	HB 115 HB 643		✓
Jacille Branch	Missoula self	115 HB 643		✓
Kera Cahoon	Missoula Co Freeholder	115 643	426	✓
Marthy Witterberg	Missoula (Self)	643 115		✓
Arlene Breun	Missoula self	643 115		✓
Julian M. Balich	Missoula (self)	643 115		✓
Alvin Stoner	"	643 115		✓
Medora Harebary	" "	643 115		✓
Tom B. Wittenberg	✓	115 643		✓
Wesley C. Croft	"	115 643		✓
Gloria R. Croft	"	115 643		✓
Idie Harnsworth	"	115 643		✓
Stan McQuillan	Missoula Freeholder	→ 426	115 643	
Bob Hunter	" "	115 643	426	115 643
Edward E. Branch	Miss. Co. Freeholder	115 643		115 643
Nazel J. Reubke	Missoula self	115 643		✓

COMMITTEE ON

DATE

Local Government

House Bills 643 115 426

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Julia Richlie		115 643		✓
Conrad Richlie				✓
Rev. Helen A. White	Missouri, Mo.	603		✓
		115 643		✓
		115 643		✓
Tina Fausett	myself Clinton, Mo.	115 643	426	✓
Elsie Ross	Missouri	115 643		✓
Marvin S. Rose	Missouri	115 643		✓
Sandra W. Palmer	Kansas	643	✓	
Paul R. Palmer	Kansas	643	✓	
Marion E. McHatton	Idaho, MT	115/643		✓
Sandra McQuillen	myself - Clinton, Mo.	115/643		✓
Jack Cain	MAJOR DECISIONS RECEIVED - ADMINISTRATION	115/643		✓
Richard M. Rosengren	Idaho, MT	115/643		✓
Bert H. Knechen	Missouri, Mo.	115/643		✓
Beth J. Threder	Missouri, Mo.	115/643		✓
Nordna Rosengren	Idaho, MT	115/643		✓
J. E. McHatton	Idaho, MT	115/643		✓
Mary Flynn	Idaho	115/643		✓
Clara Flynn	"	115/643		✓
Ann Mulroney	Helena, MT League of Women	115 643	✓	
Bill Ellis	Helena, Cal/Idaho	643		✓
Conrad Lott	Missouri, Peralta	643		✓
Bob Flackman	Idaho, Frankford			
Bud Schatz	Idaho, City	643	✓	
Jim Whillack	" "	643	✓	

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## VISITORS' REGISTER

[illegible]

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COMMITTEE ON Local Government

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# VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
David J. MacLay	self + Farm Bureau		<input checked="" type="checkbox"/>
Bob Meldring	Missoula - city		115/643
Bruce Swenson	Missoula Rural Fed. Dist.		<input checked="" type="checkbox"/>
Dennis Fredrickson	Lewis & Clark Library	✓ 115	
A. J. MacLay	self		43/115
Dennis Buwalda	Montana		<input checked="" type="checkbox"/>
Julie Kacker	Missoula Co. School Board		115/643
Map Tabrich	Missoula Montana		<input checked="" type="checkbox"/>
GEORGE FROSHMAN	MISSOULA COLLEGE	✓ 115	
Mik Stych	MHA	HD 426 X	115/643
Tim Murphy	West Helena Valley R. Fire D.	115	
R. R. Ellis	Helena Valley	X	
Elsie Rose	Missoula		115/643
Martin DeRou	Missoula, MT		115/643
Boakie Berglund	Missoula	X	115/643
Bruce A. Benson	MISSOULA, MONTANA		643

(Please leave prepared statement with Secretary)

March 19, 1983

BILL SUMMARIES

LOCAL GOVERNMENT COMMITTEE

HB 426  
(Bertelsen)

House Bill 426 provides for local government study commissions, to implement Article XI, section 9(a), of the Montana Constitution. The bill also provides for elections on the creation of and members to a study commission, and for the functioning of the commission.

HB 115  
(Waldron)

House Bill 115 provides for local government service districts. The districts may be established to provide any service that a local government can provide. Such a district may be established by local government ordinance, or by elector initiative or referendum.

HB 643  
(J. Jensen)

House Bill 643 authorizes a municipality to annex land contiguous to the municipality's corporate limits, provided that there is a proper hearing and notice thereof. The notice must contain a statement detailing the relative cost (in taxes) of annexation and how the residents of the annexed property will be represented in municipal government.

Upon annexation, the governing body must provide services to the newly annexed area according to the municipality's development plan.



(This sheet to be used by those testifying on a bill.)

NAME:

Tina Fausett

DATE:

2-19-83

ADDRESS:

Box 125 Clinton, NJ 08805

CITY:

Clinton, NJ

REPRESENTING:

Myself

APPEARING ON WHICH PROPOSAL:

on 4th

DO YOU:

SUPPORT?

☒

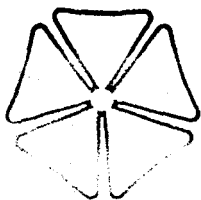
OPPOSE?

OTHER:

REMARKS:

I am writing to you to let you know that I am supporting the bill to amend the law relating to the death penalty. I believe that the death penalty is a just punishment for those who commit capital offenses. I urge you to support this bill so that it can pass.





THE GARDEN CITY  
LAND REFORM ASSOCIATION

# Missoula, Montana 59802

March 18, 1983

BILL 65506  
SENATOR  
201 West Spruce Street  
Missoula, MT 59802  
Phone 721-4700

Memo To: Senator George McCallum, Chairman  
Senate Local Government Members

From: The City Of Missoula, by *Dave Wilcox*, Administrative Assistant

Subject: Support of House Bill 115

Date: March 18, 1983

The City of Missoula strongly supports House Bill 115 as a means of providing an additional means of meeting demands for services. The service district idea is especially attractive because it allows cities to target areas of special need for specific services. Generally the following points can be made in support of this important bill.

1. Provides a mechanism by which cities and counties can provide a higher level or select services to different and specific geographic areas within their jurisdiction.
2. Provides a mechanism which greatly facilitates City-County cooperation in solving different service problems which cross City-County boundaries and are confined only to certain geographic areas. In Missoula, an example of a multi-jurisdictional problem which could be solved through the creation of a joint service district is the South Hills drainage and flood control problem.
3. Provides a mechanism by which Cities and Counties and particularly consolidated governments can provide services equitably assessing those properties receiving the service within a district, while areas not receiving the service or requiring a lower level of service are assessed only for the services they receive.
4. Provides a mechanism by which cities and counties can provide a higher level of service to certain areas within their jurisdiction.

An example of a service to which the service district concept may be applied is a drainage problem on the South side of the City. The area has significant drainage and flooding problems which will cost thousands of dollars to rectify including continued maintenance of the drainage-flood control system. Residents of other areas of the community are reluctant

Senator George McCallum, Chairman  
And Senate Local Government Members  
March 18, 1983  
Page Two

to contribute, while residents in the flood prone area want to see a solution to the problem. An added complication is that the area is partly City and partly County. The service district bill provides at least a plausible method by which the solution to the problem may be funded by the people affected.

Your favorable consideration of House Bill 115 will help Cities and Counties solve many of their problems. The City of Missoula urges your support.

Thank you.

(This sheet to be used by those testifying on a bill.)

NAME: Karl Cahoon DATE: 3/19/83

ADDRESS: Star Pk. Bonner MT

PHONE: 244-5550

REPRESENTING WHOM? Missoula County Fish & Wildlife

APPEARING ON WHICH PROPOSAL: HB 115

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

COMMENT:

(Previously written 1 piece -  
Praised too much) positive feedback  
citizens - more public hearings  
on these bills. I am very concerned about  
the process of the bills and the way they  
are handled.

There are adequate provisions  
in the bill and I support the provisions  
for receiving these animals.

I think the provisions for the  
bill are good and I support the bill.  
Karl Cahoon

I am not a member of the  
Missoula County Fish & Wildlife

(This sheet to be used by those testifying on a bill.)

NAME: ALAN G. McQUILLAN

DATE: 3/19/83

ADDRESS: BOX 337, MILLTOWN, MT 59851  
(RESIDENT OF CLINTON, MT)

PHONE: 825-3158

REPRESENTING WHOM? MSLA COUNTY FREEHOLDERS

APPEARING ON WHICH PROPOSAL: HB 115

DO YOU: SUPPORT?                     

AMEND?                     

OPPOSE? X

COMMENT: 3 VOTES FOR OPPOSITION (NO MAJORITY CHECK)

① NEVER COMES BEFORE THE ELECTORATE FOR A VOTE

② TOO HARD TO PROTEST (50% IN 30 DAYS)

③ NO DEFINITION OF A "SERVICE" COULD MEAN ANYTHING AND EVERYTHING

④ IF DISTRICT IS ESTABLISHED AND THEN ABANDONED

⑤ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑥ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑦ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑧ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑨ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑩ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑪ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑫ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑬ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑭ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑮ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

⑯ DISTRICT AREA SUBJECTS AREA OF DISTRICT SUBJECT

(This sheet to be used by those testifying on a bill.)

NAME: Gina Fausett DATE: 8-19-83

ADDRESS: Box 625 Clinton, Mt.

PHONE: none

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: HB 115

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS: There is much in this bill that appears to  
open the door to marital separation and adultery  
abuses. Citing Section 2(4), pg 10 Sect 12-C  
Sect 2-5. These points are just a few of the reasons  
why I oppose this bill.

(This sheet to be used by those testifying on a bill.)

NAME: Sandra Mc Quillan DATE: 3-19-83

ADDRESS: Box 337, Milltown NJ 59851

PHONE: 825-3158

REPRESENTING WHOM? Myself & Stone Mt. Neighborhood Assoc.

APPEARING ON WHICH PROPOSAL: H B 115

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENT:

There is already a structure or structure in  
place to provide these services. This is an  
unnecessary bill serving to get charter govt.  
in the back door.

Letter included from Stone  
Mt. Neighborhood Assoc.



(This sheet to be used by those testifying on a bill.)

NAME: Robert L. (Bob) Hunter DATE: 3-19-83

ADDRESS: P.O. Box 7983 Missoula, MT 59807

PHONE: 258-6078

REPRESENTING WHOM? Self & Missoula Freeholders

APPEARING ON WHICH PROPOSAL: HB 115

DO YOU: SUPPORT?                      AMEND?                      OPPOSE? ☒

COMMENT: There are several reasons why I oppose this bill. I think it is very confusing and poorly written. Some of my major objections are:

(1) The forming or elimination of a service district can only be done by the board of council, either on its own or by authority of a 15% petition by the voters. It is always the decision of the board and is never brought up to the voters by the people.

(2) It appears the bill will allow voters to be kind to the board. The board is an elected body and voters are already paid by salary. What else do voters really just want to do?

It is possible to be paid and to be elected. I think there is a lot of confusion about this. I think the board is the only one who can decide on the matter.

(3) What is the definition of a service.

(This sheet to be used by those testifying on a bill.)

NAME: Clifford L. Oloson DATE: 3-19-83

ADDRESS: 530 SW Higgins

PHONE: 406-543-5911

REPRESENTING WHOM? The Oloson's

APPEARING ON WHICH PROPOSAL: # H.B. 115

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

COMMENT: I oppose so much government  
interference.  
We do not need districts.

(This sheet to be used by those testifying on a bill.)

NAME:

Woodward D. Stickney

DATE:

3-19-83

ADDRESS:

225 So. Davis St.

PHONE:

543-4584

REPRESENTING WHOM?

self

APPEARING ON WHICH PROPOSAL:

Bill 115-4643

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENT:

note the people can form our own  
public services in our County

(This sheet to be used by those testifying on a bill.)

NAME: Martha Powell DATE: 3/19/8

ADDRESS: P.O. Box 3867 - Missoula 59806

PHONE: 728-5887

REPRESENTING WHOM? Myself and relatives

APPEARING ON WHICH PROPOSAL: HB 115

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENT: I do not agree in the least with  
this bill. There is no possible way  
that any added services can be given  
to most and <sup>the</sup> greater part of the County.  
The services they already have are  
absolutely sufficient for their needs  
and are already paid for under the  
present County government.  
This bill usurps the rights and  
freedom of the people.

(This sheet to be used by those testifying on a bill.)

NAME:

*Norma Rossignol*  
NORMA ROSSIGNOL

DATE:

3-19-83

ADDRESS:

Box 128 Lolo MT 59847

PHONE:

273-6663

REPRESENTING WHOM?

ROSSIGNOL LOGGING & RANCH CO

APPEARING ON WHICH PROPOSAL:

115

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

☒

COMMENT:

THE OPINIONS AND WISHES OF  
THE PEOPLE COULD NOT BE  
REPRESENTED IN THIS <sup>METHOD</sup> ~~FORM~~ OF  
ADMINISTRATION. TOO MUCH POWER  
IN TOO FEW HANDS. 15% WOULD  
OUTNUMBER ANY FREEHOLDER WITH  
CONSIDERABLE AWEIGHT.

(This sheet to be used by those testifying on a bill.)

NAME: J E McHatten DATE: Mar 19, 83

DATE: 1 Mar 1983

ADDRESS: Bitterroot Rd. Box 746 Lolo mont

PHONE: 273 2512

REPRESENTING WHOM? Same

APPEARING ON WHICH PROPOSAL: HB 115

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

SUPPORT?                      AMEND?                      OPPOSE?                      X

AMEND? OPPOSE? ☒

OPPOSE? *X*

COMMENT: \_\_\_\_\_

Too complicated + too long to start completely

(This sheet to be used by those testifying on a bill.)

NAME: Marion E. McHatten DATE: 3-19-83

ADDRESS: Box 746 Lolo, Mt 59847

PHONE: 273-2512

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: 115

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

COMMENT: We are not interested in being

forced into annexation to service districts

the 15% to get in 51% to get out

is inequitable.

(This sheet to be used by those testifying on a bill.)

NAME: Thomas Payne DATE: March 19, 1983

ADDRESS: 3929 Timberlane Missoula MT 59802

PHONE: 549-0651

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: AB 643

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

COMMENT: Have already submitted letter in support. Strongly urge passage.



*Jim Whitlock*  
8-19-83

TESTIMONY IN SUPPORT OF HB 643  
by Hamilton Mayor Jim Whitlock

Why have city governments invested so much effort in support of annexation bills not only this session but in many sessions. I believe that they are trying to make their communities more equitable and better places to live and shop. On the other hand the people who oppose these bills are doing so in my opinion for self serving reasons.

For 73 years the city of Hamilton has been the center of cultural, commercial and government activity in Ravalli County. During that time city residents have maintained a wide variety of services that residents in all parts of the county have come to depend on.

Because the city has not been able to expand its boundaries its population increased six percent between 1970 and 1980, while the county population increased 56 percent.

Commercial growth has been another matter though. Between 1971 and 1982 the city's taxable value increased 33 percent, while the county's increased 61 percent. This means the city of Hamilton contributed 54 percent of the whole county's taxable value increase.

The city's increased valuation has helped keep county taxes down. Between 1971 and 1982 the county mill levy increased 3.6 percent. During the same period the city had to increase its levy 61 percent.

Hamilton's land area is less than one-half of one percent of Ravalli County and yet the city carries over 11 percent of the county's total taxable value. Hamilton is operating on a general fund budget that is less than it was four years ago. Our current taxable value has dropped below 1979's level and a drop in revenue of over \$100,000 is projected for the coming fiscal year.

The county population boom has put heavy demands on city services. The city's 33 percent taxable growth over the past 12 years has not been enough to keep up with that or with inflation. The city desperately needs to be able to expand its boundaries in order to increase its tax base to meet these spiraling costs.

City expansion is being stopped by a narrow strip of heavy density residential property which encircles it. Many of those 50 or 60 homeowners opposed annexation 10 years ago when the city tried to bring them in. Just beyond that strip are large tracts of land whose owners would like to become part of the city in order to develop them for commercial and residential use. Because they are not contiguous to the city and the necesasry water and sewer services, they may not be developed.

Last spring a disincorporation drive was initiated by a group of city residents who were tired of paying increasingly higher taxes to support services for people outside the city. The move was soundly defeated because many voters believed the state legislature would be making changes to allow city growth. The Ravalli County Commissioners have made it plain they do not want to take over the services of the city in the event of disincorporation. They also support HB 643 as

*As the Director of the Chamber of Commerce, Hamilton City, and fire department*

The biggest objection people have to annexation bills is that they take away most of the right of people to object to being annexed, but in this case the objections of a minority are standing in the way of the right and well being of the majority.

Remember these people live next to the city by choice - not by accident. They are getting the best of both city and county living.

I believe the people who live next to the city owe their community their financial support. But more importantly, they owe their help in guiding their community by participation in the local government.

Annexation can allow this to happen.

HOUSE BILL 643

THE PLIGHT OF A SMALL CITY

BY

JAMES WHITLOCK, MAYOR

Hamilton, MT.



# CITY OF HAMILTON

IN THE HEART OF THE BITTER ROOTS -- NATURE'S PLAYGROUND

HAMILTON, MONTANA 59840

PHONE (406) 363-2101

March 4, 1983

TO WHOM IT MAY CONCERN:

This letter is from James Whitlock, Mayor, City of Hamilton, is in support of House Bill 643.

For 73 years the City of Hamilton has been the center of cultural, commercial and governmental activity in Ravalli County. And during that time City residents have paid for and maintained a wide variety of services that residents of many parts of the County have come to depend on. Some of those services include water, sewage treatment, a well-paved and lighted business district, 24-hour police protection, a library, swimming pool, and parks with baseball diamonds, picnic areas and tennis courts.

The cost of these services has been in addition to County taxes which City residents pay.

The City's population has increased from 2,499 in 1970 to 2,657 in 1980 - a 6 percent growth. The County's population went from 14,409 in 1970 to 22,493 in 1980 - a 56 percent increase.

Though the City's population has remained about the same, commercial growth has not. In 1971 the City's taxable value was \$2,324,199. In 1982 it was \$3,085,027, which represents 33 percent increase. The County in comparison had a taxable value in 1971 of \$13,549,658, and \$21,803,165 in 1982, which is a 61 percent increase. This means the City of Hamilton contributed 54 percent of the whole County's taxable increase.

because our taxable value is included in the County's 61 percent.

The City's increased valuation also helped keep County taxes down. In 1971 the County levied 49.06 mills, while in 1982 their levy was only 53.30 mills or 8.6 percent increase. During the same period, the City has had to increase its levy from 62.40 mills to 100.54 mills, a 61 percent increase. Quite a difference.

Although Hamilton's land area is less than one-half of one percent of Ravalli County, the City carries over 14 percent of the County's total taxable value.

It can be seen in these figures that even with the County's 8,000 plus population boom and massive residential and subdivision improvements, the taxable value outside the City can not keep up with the taxable value of commercial growth inside the City. Every time a building is constructed in the City the County tax base goes up, giving a tax break benefit to everybody in the County. If Hamilton ever disincorporated, everybody in the County would feel the impact, especially large farmers and ranchers who pay a great share of County taxes.

Hamilton is currently operating on a General Fund budget that is less than it was four years ago. Our current taxable value has decreased below 1979's level with the cuts in inventory tax, motor vehicle tax (not totally replaced) and roll back taxes for commercial property. The City's 1983-84 budget is facing a decrease in revenue of over \$50,000. This equals a decrease of 16 mills. A loss of 16 mills would put us back to just over the total dollars that the 1979 tax levy generated. In 1981 Hamilton ranked second in taxes levied per capita among 35 other cities and towns of comparable size. East Helena was the only city ahead of us. The reason for this is that Hamilton has had inadequate growth. The County population boom has put heavy demands on City services. It is true that in the past the commercial area helped carry City and County governments. The City has had a 33 percent taxable growth over the past 12 years, but inflation has been three or four times that, and demand for City services has increased several times over.

So what is the answer to Hamilton's problems? Growth, expansion, development and jobs are what is needed to save the

the City. Block grants and state shared revenues are only temporary solutions. We need long-term solutions --- growth.

Part of that long-term solution is House Bill 643 which would allow annexation and growth. The City of Hamilton is encircled by narrow strips of heavy density residential property. This property is blocking the City, especially on the north and south, from reaching hundreds of acres of undeveloped commercial and residential property. In fact, many of the 50-60 homes blocking the City's expansion cannot be reached except by driving down a City street.

Attached to this letter are several letters from large property owners in support of HB 643, as well as some individual small property owners who would like to be annexed but cannot be reached because of these narrow strips of property. If the City could reach these large areas of undeveloped land it would be the key to hundreds of thousands of dollars of taxable value if developed. To properly develop the majority of this land would require water and sewer services, which only the City can provide. The City also needs this land because it is short of undeveloped commercial land, and residential lots are almost extinct. New commercial and residential areas would help pick up a share of current taxes or any future tax increases. This could mean less taxes for residents of the City and the County in general. Remember, everytime the City's valuation goes up, so does the County's.

Another benefit of economic growth is jobs. This is especially important in Ravalli County where the unemployment rate is over 18 percent, far above the State's average. The creating of jobs would support the philosophy of Governor Schwinden and the legislature that we need to "Build Montana".

Over the past two years the City of Hamilton has taken the bull by the horns and is doing that. Because of the foresight of the City Council and support of City residents, projects totaling over 10 million dollars will be initiated this year. This includes 4.3 million dollar highway and water projects, do to the City buying the Water Company; 3.6 million dollar sewer plant; 2.0 million dollar condominium development; .5 million dollar grocery store; .3 million dollar health club; and several

smaller projects. If City residents had voted to disincorporate in April 1982 a majority of these projects would not have been started because the County would not have went ahead and purchased the Water Company, which would have stopped the City's share of the highway project; the sewer plant would have definitely been stymied, which would have stopped proposed subdivision improvements.

The disincorporation vote was initiated by a group of people who felt that the City has little or no chance of growth, and they were tired of paying increasingly higher taxes to support services for a population twice the size of the City surrounding them. The City tried in May of 1973 to annex a large portion of the surrounding area. The vote passed, but it was taken to the Supreme Court and defeated by a technicality. The City had already been granted \$360,000 from HUD to help fund the extension of sewer lines to the newly proposed annexed area.

The April disincorporation vote was soundly defeated because many voters believed the State Legislature would be making changes to allow City growth. If HB 643 doesn't pass and the City cannot start expanding its boundaries, disincorporation appears inevitable.

Disincorporation would mean increasing the tax burden by up to one million dollars on all County residents. Taxes of former City residents would go down while those of County residents would go up, and this is why so many County residents objected to disincorporation.

If you review your records from the House you will find a letter from the Ravalli County Commissioners who also support HB 643. They went through the disincorporation vote with us and know the effects it would have on the County.

The biggest single objection people have had to annexation bills is that they take away the rights of people to object to being annexed. But over the years our State Legislature has passed many bills that have had some adverse effect on a minority of people. The gas tax bill is one example, because most truckers feel that something has been taken away from them. The bill was passed because it is going to benefit the majority of people in our Country and State.

Nobody believes more in individual rights than we do, but when the majority's rights are being denied because of the actions of a minority, the majority should prevail!

We understand the situation the Senate faces in passing this annexation bill, but you have a responsibility to pass laws that are fair and equitable to everyone and this includes cities. Those people who are objecting to this bill may get the biggest benefit of all if it is passed. If over the next five or ten years the City could double its tax base through economic growth, not individually annexed homes, its citizens could see their taxes level off or increase at a much slower pace. Look at what the coal fields in eastern Montana have done for those cities and Counties economic growth. Look at the taxes they are levying compared to ours.

HB 643 is not asking for blanket annexation. It sets forth strict procedures that the City must follow. This includes: a resolution of intent to annex; a statement detailing the estimated costs in taxes and fees for city services; a statement detailing how the electors in the area to be annexed will be equitably represented; date and type of election that will occur within one year of the annexation date; and a public hearing where pros and cons to annexation can be heard. If the City makes a mistake in these procedures the courts can stop us just as they did before.

A lot of these procedures are used under the current City Zoning laws before variances can be granted. The City Council would still be required to make a fair and just decision before annexation. The City would not be given a big black club to annex property, as some claim. We are talking about 50 or 60 homes that are surrounding the City and choking it to death. The tax base that would be generated from these homes would equal less than \$10,000. of additional revenue. Our intent is not to go out and annex every piece of property that meets this bill criteria. This bill will be used as a constructive tool to reach large parcels of land that the owners want to annex into the City. That is where our future tax base will come from.

Now if this Committee can not see it in their hearts to pass this bill for all cities and towns, please consider it for at least 3rd class cities and towns.



### INDEX TO LETTERS

1. Marvin F. Bell 200 Acres South
2. George Hieronymus 100 Acres North
3. Harold Mildengerger 56 Acres North
4. Martin Eitel 5 Parcels North
5. Wally Scott County Resident
6. George H. Corn County Resident
7. Lloyd Greenup County Resident
8. Joe Osterbauer County Resident

March 4, 1983

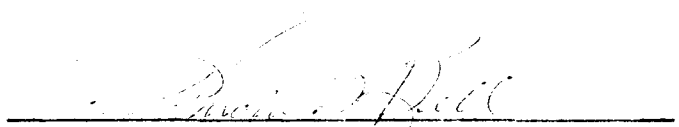
To: Jim Whitlock, Mayor

House Bill 643

City of Hamilton

We have 200 acres lying approximately 1/4 mile south of the present city limits of Hamilton. Some time ago we made preliminary plans for a Planned Unit Development. A portion of this area was designed for Highway Commercial. The downturn in the economy made it necessary for a delay. We would also plan to develop the area in stages with some portions suited to residential units. About three years ago we investigated the possibility of obtaining city sewer and annexation. The city was not interested. We are not contiguous to the city. For these reasons we designed our own facilities with State review and design approval. The present annexation system is cumbersome and unwieldy. We think improvements can be made in regards to implementing procedures that would help smaller towns such as Hamilton.

We still have some reservations about annexation without approval from the property owners in the affected area to be annexed. We think our plans are for a high quality, orderly development that would be a benefit to the community. We would like to participate in hearings on this bill or to be kept informed on its progress.

  
Marvin F. Bell

March 3, 1983

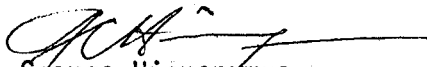
TO WHOM IT MAY CONCERN:

I am writing this letter in strong support of HB 643. We own approximately 100 acres immediately north of the Excell Store in Hamilton, Montana. Of this land, about 20 acres is Highway frontage and ideal commercial property if water and sewer were available.

If HB 643 were to become a reality, we along with many other people with considerably large tracts of land would then help share the tax burden now placed on the City taxpayer.

Please give this bill your favorable consideration.

Sincerely,

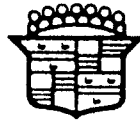


George Hieronymus  
P.O. Box 10  
Hamilton, Montana 59840



270 N. 2ND ST. P.O. BOX 633  
HAMILTON, MONTANA 59840  
(406) 363-4100

*Cadillac*



OLDSMOBILE



CHEVROLET

March 3, 1983

TO WHOM IT MAY CONCERN:

RE: HOUSE BILL 643

As a property owner of approximately 56 acres north of Hamilton on the highway, I am in favor of the above referenced legislation to annex additional land into the Hamilton city limits.

I feel it would be very advantageous to have sewer and water in this area and would create needed additional revenues for the City of Hamilton. This annexation would help expand Hamilton's business district and help relieve the city taxpayers of some of their tax load.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Harold Mildenger".

Harold Mildenger

HM/jr

March 3, 1983

Mr. Jim Whitlock  
Mayor of City of Hamilton  
Hamilton, MT 59840

Dear Mr. Whitlock:

RE/House Bill 643

I have been a resident of "Hamilton East" (Hillcrest) for 14 years. The area in which I live is high and dry. We are serviced by the City Water system, but all houses have septic tanks. If a person considered this area only, it is logical to assume the area would gain nothing from being included in the City of Hamilton. However, in my opinion, this is a very short sighted conclusion. The area now has approximately 50 houses and the new "Weber Estates" subdivision could add an additional 50 to 60 houses.

The point I am trying to make is that the area east of town is a very high density area, and no part of it can or should be considered an area in itself. The whole area contributes to the pollution problem we are facing.

We must begin to work toward a central sewage system, with adequate treatment facilities, so that there is minimum pollution of our underground water system.

In my opinion the only logical entity to under-take the problem is the City of Hamilton - which of course means a greater Hamilton accomplished by annexation.

I realize House Bill 643 empowers the City to annex an area where perhaps a majority of the people in the area oppose annexation. It has to be this way. The actual physical health of the whole community is at stake, and I think everyone must realize that as people live closer and closer together, we have to give up some of our individual privileges.

If anyone has a doubt about our pollution problem, I will be glad to take them on a float trip on our Bitterroot River. I won't have to point out a thing, they will be able to see and smell the problem. I am a native Montanan and I have spent a good share of my 50 years on our rivers and streams - our problem

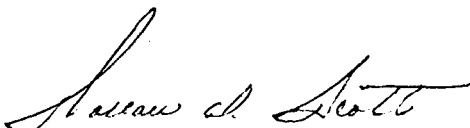
Mrach 3, 1983

page 2

in the Hamilton area is not unique, but in my opinion it is one that is at this time more serious than some of the others, because we are a high growth area. People love living here, and many more want to move here. We have to get to work on our problems - now - House Bill 643, will give us a chance to get started.

If I can be of any help to you, please let me know.

Sincerely,

A handwritten signature in cursive script, reading "Wallace D. Scott". The signature is written in dark ink and is positioned above a horizontal line.

WALLACE D. (WALLY) SCOTT  
100 High Road  
Hamilton, MT 59840

363-1021

LAW OFFICES  
ROBINSON, DOYLE & BELL, P.C.  
212 PINCKNEY STREET  
HAMILTON, MONTANA 59840  
406-363-5040

JOHN W. ROBINSON  
JOHN C. DOYLE  
JOHN G. BELL  
GEORGE H. CORN

March 3, 1983

Chairman  
Senate Committee on Local Government  
Montana State Senate  
State Capitol Building  
Helena, Montana 59601

Dear Sir:

The purpose of this letter is to urge you and the other members of your committee to support HB 643 which grants long needed annexation powers to cities throughout the state.

The current situation which allows residents adjacent to a city to veto any annexation, places an unreasonable burden on the city since those residents enjoy all the advantages of the city such as fire and police protection, water and sewage services and the use of city roads without having to pay for them. What these folks are getting is nothing less than a free ride! They are simply being subsidized by those that live in the city and must support its services. This situation is clearly unfair and will be remedied by HB 643 which does no more than make these people pay for the benefits they now enjoy.

As for the argument that the bill would deprive a landowner of his right to do as he wishes, I submit that this is a strawman set up to divert your attention from the fact that such adjacent landowners living outside the city aren't living up to their responsibility to pay for the very benefits which lets them enjoy their property in the first place.

Please note that this bill does not grant sweeping powers to any city administration to annex huge areas of farm land or even rural areas. The population requirements in the bill only allow for the annexation of those areas contiguous to the city limits and that are already urban in character.

LAW OFFICES  
ROBINSON, DOYLE & BELL, P.C.

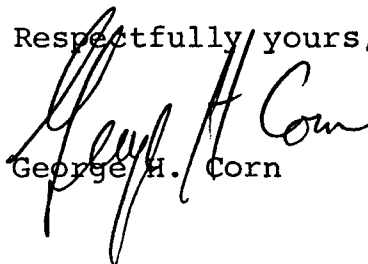
Chairman  
Senate Committee on Local Government  
Montana State Senate

March 3, 1983

- 2 -

In closing, I should point out to you that I live in a small subdivision some fifty feet outside the City of Hamilton. The street that I live on looks like any other street in Hamilton. City police drive through my neighborhood on a regular basis. My house is in the city fire district. All of the houses in my neighborhood are on city water. My neighborhood cannot be reached without using city roads, yet I and my neighbors pay no city taxes. The inequity of this arrangement has made me a supporter of HB 643. I urge you to consider the merits of this bill and give it your wholehearted support.

Respectfully yours,



George H. Corn

GHC:dr





## HAMILTON VOLUNTEER FIRE DEPT.

P. O. BOX 562

Hamilton, Montana - 59840

Honorable Member of the Senate:

This letter is in support of H.B. 643. The inability of smaller cities to annex outlying areas has forced us to go through one disincorporation attempt already.

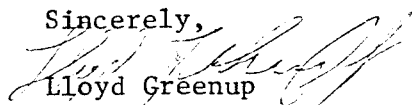
This would cause serious problems for our Fire Department. No provisions have been made in the disincorporation laws to provide for continuation of Fire Department Relief Association Pension Funds.

Most of the annexation bills presented in the last few years have been defeated. Volunteer Fire Departments surrounding 1st class cities have led the effort to defeat these bills in order to protect their tax base. Most 2nd and 3rd class cities do not have the same problem because usually the same equipment and man power protect both the city and the surrounding rural areas. The change from rural fire district to the city would have an adverse effect on the tax base of fire protection services.

If the smaller cities and towns in Montana are to continue to exist, the people in the higher density areas surrounding them are going to have to share the costs of city services that they use every day.

We feel this bill will help solve this problem and it deserves our support and yours.

Sincerely,

  
Lloyd Greenup  
Chief, Hamilton  
Volunteer Fire Dept.

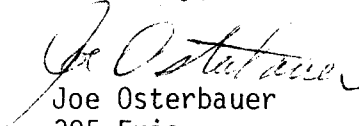
March 2, 1983

TO WHOM IT MAY CONCERN:

I would like to inform you that I am in favor of HB 643. I am not a large land owner north of the City of Hamilton but I do have about 170 feet of Highway frontage that is a contiguous piece of property and I would be more than happy to have this annexed into the City of Hamilton.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Osterbauer".

Joe Osterbauer  
305 Erie  
Hamilton, Montana 59840

(This sheet to be used by those testifying on a bill.)

NAME: TIMOTHY LOVELY DATE: 3/19/83

ADDRESS: 270 ST JOHNS - LOLO

PHONE: 273 - 0288

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: HB 643

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

COMMENT: I urge your support of HB643  
on the basis of equal taxation. The  
areas surrounding the cities of Montana which  
qualify as "high density" are filled primarily with  
folks who travel into the urban centers daily to  
conduct business and enjoy the facilities there.  
The new area of service is to be in the  
area of service with the most potential for  
business and industry. It is a very  
important area and it is important that  
it be taxed equally to the other areas.  
HB 643 does a very good job of  
doing this.

PLEASE PRINT AND PRINT BY ATTACHMENTS THE TWO CLIPPING LEADERS.



**4B's restaurants, Inc.**

W. E. HAINLINE, JR.  
President

March 17, 1983

Senator George McCallum

I have lived in the County for 20 years and recently moved to within one block of the City limits. The City should be able to annex us and we would find it desirable if they could. The higher tax rate would be justified by a higher service level.

*W. E. Hainline Jr.*  
W. E. Hainline, Jr.

3/17/83

To Whom It May Concern

As a resident of the Rattlesnake Residential Area of Missoula, Montana, I can speak of the need for sewer service in this area. Present problems include numerous failures of present system, limited development and fear of future pollution of the ground water and Rattlesnake Creek.

The only apparent long range solution is extension of Missoula's sewer system. As this would require annexation, I would support such a solution.

George Spencer  
2425 Wylie  
Missoula County

March 18, 1983

Senator George McCallum, Chairman  
Members Senate Local Government Committee  
State Capitol  
Helena, Montana 59620

Dear Chairman McCallum and Members of Senate  
Local Government Committee:

I live in an urban fringe area a short distance outside of the Missoula city limits. Several times I have made inquiry of City officials regarding the possibility of having my residence annexed to the City so that I could have City sewer service available to my property. However, City officials have indicated to me that my property is not eligible to be annexed unless I and my neighbors between my residence and the city limits organize a district that successfully petitions for detraction out of the Missoula Rural Fire District, at which point in time we could then petition for annexation to the City. If 50% of the owners of the area proposed for detraction protest detraction from the Rural Fire District, then the County Commissioners cannot allow the area to be detracted from the Rural Fire District.

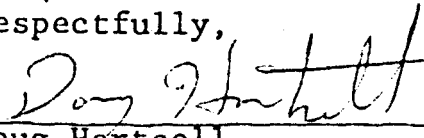
I have recently been experiencing problems with my septic system. If this system fails, I have no more room in which to put a new drainfield.

I would like to be in the city but the current procedure by which I could attempt to join the city is too cumbersome and expensive to justify the time and effort. The block on which I reside is an urban residential neighborhood that appears to be the same as the residential neighborhoods a short distance away inside city limits. I must go into the city limits to do my shopping, obtain professional services of any nature, go to my job, for entertainment, and participate in recreational activities.

I am a City resident for all practical purposes; but practically speaking, it is extremely difficult or unlikely that I will ever be able to be annexed to the City pursuant to existing annexation laws. I use many City services without contributing to the costs of providing those services and I am being deprived by State law from being able to obtain an additional City service that I would like to obtain for my property. I do not object to paying slightly higher taxes as a result of annexation. I believe I should be contributing to the costs of the services.

I support House Bill 643 allowing annexation of high population density lands contiguous to a City. House Bill 643 will surely facilitate my ability to be annexed to the city and allow me to more easily obtain the additional City services I would like to receive.

Respectfully,



Doug Hartsell

2323 Mary, Missoula, Montana 59801

720 South  
Missoula MT 59802  
83/3/2

Senator George McCallum, Chairman  
Senate Local Government Committee  
Montana State Senate

Dear Senator McCallum

HB 643, regarding annexations by municipalities, would help solve a serious problem.

Montana law makes annexations difficult — so difficult that inefficient, inequitable government results. Municipal governments need greater flexibility in order to perform their functions well.

I live near a city which has been ill-served by the present laws and it is clear to me that city — Missoula — would benefit by this legislation. I live near enough so that there may come a time when Missoula's capacity to accept, of sufficiently strong, might encroach on me. My perception of the importance of good municipal government outweighs any apprehensions I may have on the subject.

I urge that HB 643 be given sympathetic consideration; I hope it is adopted favorably.

Sincerely yours,

Bill Ballaid

GREEN, MacDONALD, WAGNER & KIRSCHER

February 25, 1983

Senator Reed Marbut  
Montana Senate  
Box 81, Capitol Station  
Helena, Montana 59620

RE: House Bill No. 643 - Annexation of High Density  
Contiguous Lands

Dear Senator Marbut:


I am writing to support passage of House Bill 643 pertaining to the annexation of high density population of lands contiguous to the city. This bill appears to be very conservative from the standpoint of greatly limiting the ability of any city to annex high density developed properties to the contiguous city limits. It clearly alleviates the concern of some state legislators that cities would annex agricultural lands such as farms, ranches, or low density residential developments. Given the benefits provided high density areas in the county in terms of their access to city services, such as libraries, city parks and recreation, city streets, etc. it is reasonable that this cost should be spread amongst those residences currently residing on the county. There is no question that they are enjoying the benefits of city services at the expense of other property owners within the city limits.

Although House Bill 643 does not completely resolve any inconsistencies in the property tax situation as it relates to urban residential located within the county, it nevertheless goes a long way toward making the situation more equitable than currently exists.

In light of the above I would hope that you would see fit to support this bill.

Sincerely yours,

GREEN, MacDONALD, WAGNER & KIRSCHER

BY   
JACK L. GREEN-II

JLG/jkc



2629 Brigg  
Missoula, Mt. 59803  
16 March 1983

Senator George McCallum  
Local Government Committee  
Montana State Senate  
Helena, Montana

Dear Senator McCallum,

We want to express our support for House Bill 643 authorizing annexation of areas with housing densities of four homes/acre into the city. We currently reside in such an area immediately adjacent to the city and we recognize our dependence upon city services. We feel the quality of life for both city and county residents could be improved by the more equal distribution of fiscal responsibility and the increased tax base which would follow annexation.

Thank you for your consideration.

Sincerely,  
Judy McDonald  
Bill McDonald

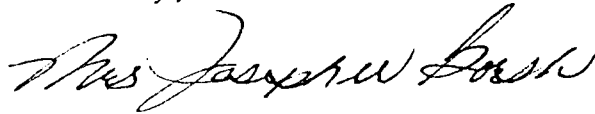
1527 39th St.  
Missoula, Mt 59803  
March 18, 1983

Dear Mr. McCallum,

I own a house which is in an area adjacent to the Missoula City Limits, in Missoula County. For quite some time, I have advocated such areas being annexed into the City, most especially so these areas could be a part of the Missoula Sewage System.

I'm sure there is no argument that these outlying areas are able to take advantage of City services without cost. However, my main aspiration has always been to get the Wapakia area on the city sewage system, for reasons of public health.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mrs. Joseph W. Gorski Jr.", written in dark ink.

Mrs. Joseph W. Gorski Jr

**Members of the Montana Senate:**

I am a resident of Missoula County and am currently employed as a land use consultant. I have been working with land planning and land development in both eastern and western Montana for the last eight years.

Although there are a number of policies, issues and regulations which affect land settlement patterns, none are so effective as the minimum lot area requirements of the State Department of Health. The Health Department limits lot sizes to 1/2 acre and 1 acre for developments which do not have community water or community sewer.

This regulation has created a ring of low density development around our urban areas. Once homes are developed on 1 acre and 1/2 acre tracts it is difficult, if not impossible to develop the property for higher density as the urban area expands. Thus, we see high density development leap-frog out beyond the urban area with their own sewer and water systems.

This pattern of development increases the cost of services, specifically road, police and fire protection. It places a burden on rural school districts and increases transportation costs for the next generation of home buyers.

House Bill 643 would allow local governments the option of expanding not only city limits but sewer service to areas of existing high density. Thus, the critical infrastructure facilities of sewer and water would be available for additional development. Land use patterns would return to a logical pattern, thus reducing the cost of providing services and promoting wise land use.

Sincerely,



Nicholas P. Kaufman,

President Montana Association of Planners

Former Vice-President Missoula Home Builders Association

Lois Herbig  
3-19-83

1026 Monroe Street  
Missoula, MT 59802  
March 18, 1983

The Honorable George McCallum  
Chairman Senate Committee  
Helena, MT

RE: HB 643

Chairman, Members of the Committee.....I am Lois Herbig, Council Person from Ward I, Missoula. This ward happens to be contiguous to the densely populated area just outside the city, namely, Upper Rattlesnake Area. Currently, there are 4 or more dwellings to an acre....there are 10,000 square foot lots with some lots being in the 6-8,000 square foot range, exclusive of the many streets and parks in the area. Therefore, I speak in favor of HB 643 which addresses this problem.

The major problem with this situation is that of the private cesspool, and seepage therefrom resulting in readings of phosphates and nitrates that are not acceptable to many Missoula residents. Raw sewage lay on top of the ground very recently because of failure of the private sewage treatment facility in the Lincoln Hills development. It has since been repaired but no doubt <sup>there</sup> will be a recurrence in the future.

A second major problem is the one of traffic congestion. There is one major street leading into the Upper Rattlesnake.....Van Buren Street. The people in the Lower Rattlesnake (City) suffer from the problems inflicted upon them because of the high rate of traffic. People living in the Upper Rattlesnake use the road daily to traverse to their places of employment, for shopping purposes, etc. If these people should become City Residents, as some agree is only fair, the problem could better be faced as one body. You have letters from some of these people, I am told. They enjoy the

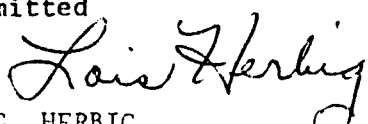
amenities of living in the city without having to carry the burden of paying for the luxury, such as parks, swimming pools, use of the streets... to name but a few.

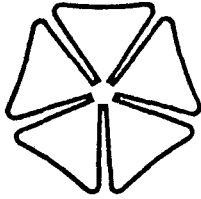
If this Legislature does not see fit to assist the cities in this way, possibly we can look forward one day to running cities on volunteer help (that, too is not allowed us as to fire protection) and rummage sales and donations. The Rural Fire Department is assisted in this way but they are eagerly anticipating a joint agreement with the City for fire protection and emergency services..

I fail to see sound logic behind "tying the hands" of the cities which has happened historically in the Legislature....hopefully not in this session. Local governmental officers are elected by the same quality of people who elect Legislators and I trust they know who they are electing to these responsible positions. True, there are no doubt some who are not quite as capable or able as in both bodies of government but from what I have observed over the years, both appear relatively the same in intellect, ambition and capabilities. We are all attempting to do what our constituents require of us. Efficient, responsible action.. is being put forth that is greatly needed.

The property tax base of cities has not kept pace with inflation....in some cases <sup>decrease</sup> 20% or more (1981 figures). Most of the cities have had to reduce number of employees, increase taxes while at the same time attempting to proffer services that are needed. Property tax increases place an undue burden on the elderly and those on fixed incomes. This bill would alleviate the problem by increasing the City's tax-base.

Respectfully submitted

  
LOIS G. HERBIG



THE GARDEN CITY  
HUB OF FIVE VALLEYS

# Missoula, Montana 59802

March 18, 1983

**BILL CREGG  
MAYOR**

201 West Spruce Street  
Missoula, MT 59802  
Phone 721-4700

Senate Local Government Committee Members  
Montana State Senate  
Capitol Station  
Helena, Montana 59620

Dear Senate Local Government Committee Members:

As Mayor of the City of Missoula I would like to urge your support for the enactment of House Bill - 643 entitled "An Act to provide for Municipal Annexation of contiguous high density land under certain conditions."

In May, 1977, shortly after the Legislature had killed annexation bills - I asked Gaspard "Por" Deschamps, a former Republican State Senator, why the Legislature would not allow cities reasonable growth. He responded that the reason was "Because the Legislature is still essentially rural, and these people don't want the cities reaching out seven miles to annex their farms or ranches."

Of course cities don't want to reach out to annex farms or ranches - we can't provide essential services to them at a reasonable cost. (Cost of services would outweigh taxes derived). Nor do we even want to annex thinly populated suburban areas (even though they use a lot of city services) who enjoy a certain quasi-rural atmosphere on small acreages with a saddle horse and milk cow. Again it is not cost effective to provide the services for the taxes received.

House Bill 643 addresses these concerns of rural legislators by being keyed to density, which mandates that RURAL REMAINS RURAL, while cities are

able to annex the heavily populated contiguous urban area. Many urban county residents tell us they'd like to annex so they would have a voice in city government and actually be paying for the services they use. Urban residents in high density contiguous areas are seldom if ever going to petition for annexation, their good argument from their free-loader perspective being "why petition in when we get virtually all the services and pay nothing?"

It is very important for Legislators who oppose this bill to know that they're NOT the champions of farmers, ranchers, nor drug-store cowboys living on some acreage close in. Rather they're the champions of the free-loaders who utilize most of the city amenities but who are too greedy to pay their way.

Is there a basic American right to protest annexation? Well the other 49 states probably feel they're as American as Montana, and all of them think that the urban county citizen's rights must be mitigated by the right of city dwellers to some semblance of tax equity.

The classic example is that while we are guaranteed free speech in the Bill of Rights, one doesn't have the right to yell "FIRE" in a crowded theatre. One may smoke in the back of a plane, but not the front. The smoker's right to smoke must be weighed against the non-smokers' right to breathe clean air. Same with the right of protest - it must be weighed against the city's right to spread its costs equitably over the population utilizing the services, which would mean a more equitable tax on city citizens.

Missoula has considered charging extra fees to non-city people utilizing certain park, cemetery, and other services but has held off pending the outcome of the interim committee's efforts to straighten out the mess.

We call it the "fence" theory, and it's a potential bureaucratic nightmare. Without a "City I.D.Card," the person would pay extra for services. Swimming at the two municipal pools is 25¢ for city folk, 50¢ for outsiders. \$5.00 registration of Little League Baseball, \$10.00 for county kids. \$200.00 to

die in the city, but \$250.00 in the county.

We think the "fence" theory is highly devisive and undesirable. Our costs are increasing so much, however, that dire measures may be necessary. With our small city boundaries, along with the fact that slightly more than 9,000 U of M students require much attention but pay no property tax, our abilities to deliver even emergency services such as police, fire, and sewer are sorely tried.

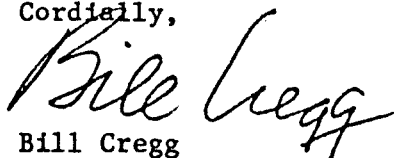
We've been told that Legislators think cities aren't broke because of an inability to annex, but rather because of unwarranted expansions of municipal bureaucracy. Missoula employs 285 people including part-time employees, myself and the 12-member council, and at 33,388, 1980 census population, that's less than 1% per capita employed. Conversely, the State of Montana, which you run, and not counting the university system, employs over 11,000 people. That's over 1.4% of the state population of 783,700 in 1980. The half of one percent difference may not seem significant, but if we staffed the city at state levels per capita, our 285 employees would bulge to approximately 467 which is more than a 50% increase. City officials are not interested in increasing the number of their employees in order to be on a par with the state percentage wise.

And our city is certainly not over-loaded in administration. In fact there's only one of us. Generously again, we put our money in emergency services.

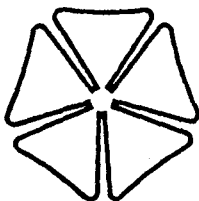
Our primary concern and interest is tax equity by having the ability to require those persons in the densely urban contiguous areas to pay for the city services that they use on a regular daily basis. In closing, we believe our time has come to make the Garden City a united entity, sharing, and sharing alike. It's now up to the Legislature to end this devisiveness in our valley.

Thanks and warm personal regards.

Cordially,

  
Bill Cregg





THE GARDEN CITY  
HUB OF FIVE VALLEYS

# Missoula, Montana 59802

**BILL CREGG**  
**MAYOR**  
201 West Spruce Street  
Missoula, MT 59802  
Phone 721-4700

March 17, 1983

Senator George McCallum  
Chairman Local Government Committee  
And  
Committee Members  
Capitol Station  
Helena, Montana 59612

Re: House Bill 643 Density Annexation

Dear Senator McCollum and Committee Members:

The City of Missoula and other cities across the state need and deserve your support. Cities are on the verge of financial collapse. As Finance Committee Chairman during the fiscal 1983 budget process, I have come to realize the severity of the City's problems. There are many reasons for the current situation and most of them can be traced to the legislature's unwillingness to pass laws giving Cities authority to manage their affairs. The anti-annexation stance of previous legislatures is a prime example of this major problem.

Cities like the City of Missoula provide numerous basic and important services to the community. Because of state annexation laws many people are able to live just outside City boundaries, take advantage of City services, and contribute nothing to City revenues. At the same time residents and properties within the City are taxed to support the City and County governments; and they receive fewer services from the County than does the County resident. For example, the residents of the City of Missoula contribute \$800,000 in taxes to support the County Sheriff, yet, the City resident receives negligible direct benefit for his tax dollar support of the County Sheriff.

The City of Missoula is capable of extending services into areas immediately adjacent to the City boundary. I am speaking primarily of police, fire, and sewer. Annexation of these areas would increase demands on City services within a manageable range, while newly annexed residents would then help pay for providing the service City-wide -- a benefit they already take advantage of regardless of their residential status outside of the City. Other services the borderline dweller takes advantage of, free of charge, include: parks, recreation programs and facilities, streets and street maintenance, traffic

Senator George McCallum  
Chairman Local Government Committee  
And Committee Members  
March 17, 1983  
Page 2

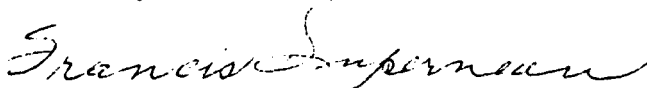
lights and other traffic controls, fire prevention and building inspection.

As a final point, cities are the center of the state's commerce and economic activity. The governor and legislators of both parties support building Montana's economy. I believe it is impossible to build a sound economy, which attracts new business and industry, and visitors to our state unless cities are given the ability to provide excellent services and to maintain the infrastructure on which all commerce depends.

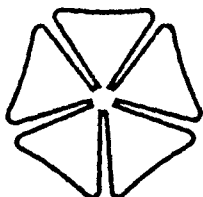
I urge your support for better annexation laws -- House Bill 643.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Francis Superneau". The signature is fluid and written in dark ink.

Francis Superneau  
City Councilman



THE GARDEN CITY  
HUB OF FIVE VALLEYS

# Missoula, Montana 59802

**BILL CREGG**  
**MAYOR**  
201 West Spruce Street  
Missoula, MT 59802  
Phone 721-4700

March 17, 1983

Senator George McCallum  
Chairman Local Government Committee  
And  
Committee Members  
Capitol Station  
Helena, Montana 59612

Re: House Bill 643 Density Annexation

Dear Senator McCallum and Committee Members:

I am writing to support House Bill 643 which would give cities the authority to annex adjacent property developed at 4 units per acre or greater.

You will no doubt hear much testimony about the unequal tax burden upon City residents. County residents living just outside the City boundary are able to take advantage of City services without paying taxes to support them. I would like to address my comments to a somewhat different point of view.

Residents of the County outside the City sometimes ask what benefit there is to being in the City. It is true that taxes are higher. I believe City residents benefit by receiving better services from a more efficient and responsive government.

County governments are relatively inefficient because of the independent elected officials who need not answer to a chief executive. Instead, many County departments go off on their own, cooperating with other departments and the Commissioners only when it serves their purpose -- primarily at budget time and not necessarily out of motivation to serve the community better.

City government is the more responsive local government because it is more representative. Our Missoula City Council consists of 12 members elected from 6 wards. Council members are very anxious to solve constituent problems and to assure that constituents receive good services. City government also includes the required legislative executive division. The executive management of daily City functions, leaves Council members free to work on the jobs of representing their constituents and developing City policy.

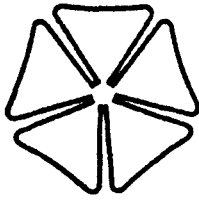
Senator George McCallum  
Chairman Local Government Committee  
And  
Committee Members  
March 17, 1982  
Page 2

I have been a Council person for 12 years. I have seen many changes on the Council and many on the County Commission. I feel strongly that City government serves the people best, and that along with many other reasons you will hear, this is a very important reason to allow annexation of adjacent developed residential property.

Thank you for considering these thoughts.

Jeanne Ransavage  
City Council Person

*Jeanne R. Ransavage*



THE GARDEN CITY  
HUB OF FIVE VALLEYS

# Missoula, Montana 59801

OFFICE OF THE CITY COUNCIL  
201 W. Spruce St.  
Phone 721-4700

TO: Chairman McCallum and Committee Members

FROM: Leon Stalcup

DATE: March 18, 1983

My name is Leon Stalcup and I am an Alderman in Ward 5 in Missoula. We are here today to ask for your support of HB 643.

As you know, Montana has one of the most restrictive annexation laws in all the nation and this causes many problems for this state's municipalities.

As you also know, this bill would only affect the areas that are contiguous to a city or town and are developed at 4 or more dwellings per acre. No other areas would be affected.

I have here an aerial photo of the Missoula area. This photo clearly shows where development exists; what it does not show is that there is no logical relationship between high density and city incorporation. As you can see when I bring down the overlay of the city boundary, a large portion of what appeared to be town is outside the municipal boundaries.

This map is one which demonstrates those areas which would fall under the limits of this bill.

As you can see, there are generally 6 areas which would be affected. They are Wheeler Village, Rattlesnake, East Missoula, University housing, Daly Addition and the Wapikiya-Belview area. When we added the population from those areas, it comes to 14,100. When compared to the city population of 33,388. That would increase the city population by 42.2%. In focusing in on the Wapikiya and Belview area we find from census tract information there are nearly 1,000 dwelling units in this area that is high density.

In part of the area there are serious problems with the soil and septic systems having high failure rates and this will have serious consequences to the water table.

Pass this bill so that we can get sewer service to this area before a serious health problem develops.

815 Hickory  
Missoula, MT 59801  
March 18, 1983

Senator George McCallum, Chairman  
Senate Local Government Committee  
Capital Station  
Helena, MT

Dear Senator McCallum:

I am writing to you concerning HB 643 which will be heard in your committee shortly. This bill would allow cities to annex high density areas of four units per acre or more that are contiguous to the city.

I moved to Missoula just over a year ago after living and working in eastern Montana. My job, based in Glendive, required me to travel and get to know the people in the seventeen counties from Phillips to Carter. Now, living in Missoula I am, in a sense, learning how the other half lives, because unfortunately Montana is a divided state -- east and west, rural and urban, and, in a reversal from our past, coal and oil rich and copper and timber poor. Montana's differences should add to our sense of state pride rather than divide us which too often seems the case. I see the state legislature as being the source which must unite Montana by recognizing our heterogeneity rather than denying its existence.

HB 643 addresses the urban-rural split in Montana by insisting that the split does indeed exist. The bill would enable urban areas to be treated as urban areas and allow rural areas to remain rural. In Missoula County with its population of 76,000 more than two thirds of the people live within five miles of the center of the city, but nearly half of those people live outside the city limits. Some of the people who live outside the city limits can no longer by any stretch of the imagination be considered rural. They require urban services, they live in close proximity of each other as city people do, and they make a mockery of Montana's rural tradition by denying that they use and need government services.

I am reminded of a rancher I spoke to recently who complained of packs of dogs from the suburban Missoula community which prey on livestock. No rancher would have dogs which would create such a problem, but rather the problem is created by non-rural people who deny that they must now accept the burdens of city living along with the benefits.

HB 643 protects rural people as well as city people. Four units per acre is indeed urban congestion. The goal of cities in Montana is not to incorporate all of Montana, not to create megalopolises where a city ends only where another begins. Rather the goal is to recognize areas that are truly urban already and incorporate them

Senator McCallum  
March 18, 1983  
Page 2

into the city. When this goal is achieved both rural and urban places will maintain their integrity and all Montanans will benefit.

I hope you will support HB 643 and recognize it for what it is -- not an attack on rural Montana, but a recognition that urban residents must accept that they place a burden on local government which is far greater than that placed on local government by our self-sufficient rural neighbors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth C. Hamlin".

Ruth C. Hamlin

2105 Gerald  
Missoula, MT 59801  
February 14, 1983

To: Kathleen McBride  
Chrmn, Local Government House Standing Committee  
HB 643 - To provide for municipal annexation of  
contiguous high density land under certain conditions

Dear Kathleen McBride,

I urge your Local Government  
committee to pass HB 643. This is  
desperately needed in our high density metropolitan  
areas. As a city resident and taxpayer who pays  
for services urban area residents use but do  
not pay taxes to maintain, I find our city  
is going broke, because urban area residents are thick  
outside city limits and boundaries.  
Montana is 1 of four states only,  
which has such limiting (limiting to responsible  
growth of cities) legislation.

Please pass HB 643. IT will make  
possible more orderly growth.

Hopefully yours,

Maileen Hart Trotter  
2105 Gerald  
Missoula MT 59801



Charles E. Hardy  
512 Benton  
Missoula, Montana 59801

February 14, 1983

Kathleen McBride, Chairman  
House Local Government Committee  
Montana Legislature  
Helena, Montana

Re: HB643

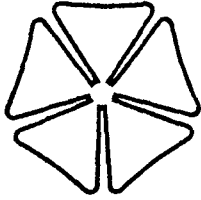
Dear Ms McBride:

We urge your committee to consider favorably HB643, which provides legislation enabling cities to annex high density contiguous areas. As residents of the city of Missoula for over thirty years we are fully aware of the inequitable tax burden borne by city residents. Our state annexation laws are outmoded and have long needed revision, especially in the light of the fact that Montana is now one of a very few states without laws modernizing annexation procedures. We favor provision for orderly growth and feel that HB643 is essential to such provision.

Will you enter our communication in the testimony favorable to the passage of HB643? Thank you.

Sincerely,

*Charles E. Hardy*  
Charles E. and Mabelle G. Hardy



THE GARDEN CITY  
HUB OF FIVE VALLEYS

# Missoula, Montana 59802

March 18, 1983

OFFICE OF CITY ATTORNEY  
201 West Spruce Street  
Phone 721-4700

83-200

Senate Local Government Committee Members  
Montana State Senate  
Capitol Station  
Helena, Montana 59620

Re: House Bill No. 643

Dear Senate Local Government Committee Members:

I would like to strongly urge your support for the enactment of House Bill 643 pertaining to the annexation of high-density populations immediately contiguous to a city. House Bill 643 was specifically drafted to alleviate past expressed concerns of state legislators that cities would attempt to annex agricultural lands such as farms and ranches or other moderately and thinly populated areas near cities.

House Bill 643 was also specifically drafted with the intent to authorize cities to be able to more equitably spread the costs of city services over the truly dense urban populations that comprise the primary users of many city services. Pursuant to Montana's existing annexation laws high population density unincorporated urban areas exist immediately adjacent to city limits. These densely populated unincorporated areas use several city services on a daily basis in order to shop, go to their jobs, go to high school or college, obtain professional services, etc. The people that reside in these densely populated unincorporated areas are very obviously a city-dependent population routinely using city services without paying the tax costs associated with providing these services. Most of these out-of-city urban residents would not live where they do if the city did not exist.

These clearly dependent city populations potentially benefit from the following types of city services at any time they routinely enter the city for the purposes of employment, shopping, attending school, obtaining professional services, recreation, etc.: 1) police protection; 2) fire protection; 3) parks and recreation; 4) sewer system; 5) city band; 6) street department; 7) city engineer; 8) stricter dog control; 9) building inspector; 10) central administrative functions of the mayor, court, attorney, etc. Evidence of the large volume of non-city users of city services has been documented in studies performed by the City of Missoula. For example, a recent study by the City Parks and Recreation Department with respect to who were the actual users of the City of Missoula's Playfair Park and Swimming Pool (adjacent to

Senate Local Government Committee Members

Page 2

March 18, 1983

Sentinel High School) indicated that easily more than fifty percent (50%) of those individuals using the Park and Pool were non-city residents. Another study by the City of Missoula Police Department of their motor vehicle accident statistics indicated that 52% of the operators of motor vehicles involved in motor vehicle accidents within the city limits were non-city residents. City taxpayers very clearly bear the financial burden of costs of city services that are daily used on a regular basis by city-dependent high population density unincorporated urban fringe populations. Not only do these densely populated unincorporated urban fringe areas not pay city taxes, but their daily large volume use causes the city taxpayers to be taxed even more in order to maintain their very basic services.

Existing annexation laws in Montana are obstacles to logical and orderly growth of cities. One of the primary reasons for this is Section 7-2-4734(4), M.C.A., which is commonly referred to as the rural fire district exclusion. The practical effect of this statutory provision is to allow rural fire districts to impede the logical and orderly planning, growth, and standardization of public services and facilities for truly high population densities in a community, thereby causing a significant inequitable tax inequity to city taxpayers. No other state in the United States has a provision such as Section 7-2-4734(4), M.C.A., in their respective state laws. No other state in the United States allows rural fire districts to possess such a stranglehold on a densely populated urban community's ability to logically and orderly plan, grow, and standardize public services and facilities.

Rural fire districts were intended to and do provide a very important service to rural and suburban communities. However, by the very title they are known by, "rural" fire districts, it is obvious that they were not originally intended to be "urban" fire districts nor be able to exert such a dominating adverse influence on the ability of densely populated urban communities to plan, grow, and standardize public services and facilities. Rural fire districts were not originally intended to provide permanent fire protection to densely populated areas contiguous to a city. The rural fire district exclusion is not logical or sound policy. Further, it results in very obvious and gross tax inequities to city taxpayers.

There are areas in the densely populated urban Missoula Community where city emergency services must travel from within the city limits through densely populated unincorporated areas contiguous to some boundaries of the city limits in order to respond to an emergency in another portion of the densely urbanized Missoula Community that is within the city limits.

Senate Local Government Committee Members

Page 3

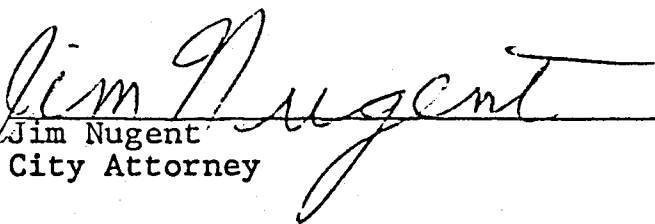
March 18, 1983

Montana's annexation laws are perhaps the most restrictive in the western and midwestern states. This is what the Montana Legislative Council indicated in a report to a Montana interim legislative committee on annexation in 1979-80. The existence of Montana's unduly restrictive annexation laws has contributed to governmental fragmentation, disorderly growth, inability to logically plan for the provision of services by both city and county governments, non-standardization of public services and facilities in densely populated urban communities, inequities in taxes and resources, etc.

It is time the Montana State Senate recognize and take a step toward the elimination of the problems herein identified which it has statutorily created and allowed to exist as an impediment to the logical and orderly growth of Montana's cities. It is time that the Montana State Senate eliminate the ability of a small percentage of people in small geographical areas within densely populated urban communities to frustrate the substantial interests of a majority of the densely populated urban communities to logically plan the growth of their communities and to allow these densely populated urban communities to standardize public services and facilities in their community in order to more effectively and efficiently provide those services to the high density populations actually regularly using and benefitting from those services.

Therefore, I strongly urge your support for the enactment of House Bill 643. Thank you for considering my comments as part of your deliberations on this Bill.

Yours truly,



Jim Nugent  
City Attorney

JN/jd

(This sheet to be used by those testifying on a bill.)

NAME: Charles H. Gibson DATE: 3/19/83

ADDRESS: 805 E. Beckwith

PHONE: 728-0182

REPRESENTING WHOM? CITY OF MISSOULA

APPEARING ON WHICH PROPOSAL: House Bill 643

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: CITIES very much need a bill to  
give them the ability to annex uniformly. They  
need to encompass the people who use their services  
but don't pay the taxes to support the service they  
use.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Ann Mulrooney DATE: 3/19/83

ADDRESS: 700 Power, Helena, MT.

PHONE: 442-6227

REPRESENTING WHOM? League of Women Voters

APPEARING ON WHICH PROPOSAL: HB 643

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT:

The ability to annex is vital to a community's ability to grow and provide services in an orderly cost-effective manner and remain financially sound. Suburban growth combined with Montana's severe annexation laws are a major contributor to the current local financial crises. Closing the annexation process for contiguous land developed at urban densities will go some distance toward enabling local governments to respond to problems resulting from suburban growth.

The legislation is compatible with

The density is a standard urban density figure.  
Pre-annexation planning is required.

The legislation is compatible with

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

standard annexation procedures throughout the country.

ALAN G. McQUILLAN

3/19/83

BOX 337, MILLTOWN, MT 59851

(RESIDENT OF CLINTON, MT)

825-3158

REPRESENTING SELF

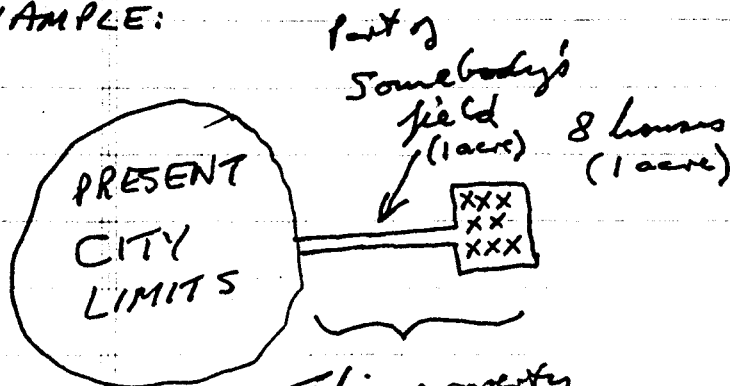
HB 643

COMMENT:

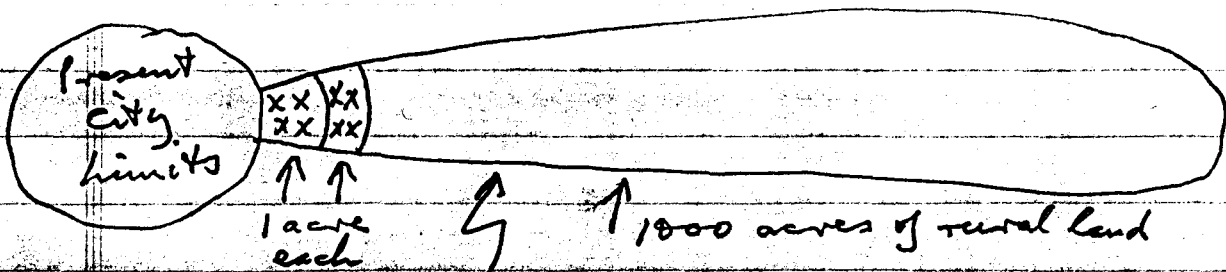
OPPOSED FOR FOLLOWING PRIMARY REASON:

WORDING OF Section 1 (a), page 1 Lines 9-15.

EXAMPLE:



This property is contiguous with the city and averages 4 dwellings per acre, but this is not all:



This 1002 acre area is contiguous with the city and has within it 2 contiguous parcels each of which meets a density of 4 dwellings per acre. Technically (and therefore legally) it meets the criteria for annexation. This is absurd — another example of a poorly

James Lofftus

(This sheet to be used by those testifying on a bill.)

NAME: JAMES A. LOFFTUS DATE: 3-19-83

ADDRESS: 14522 HELLGATE LN TURAH

PHONE: 258-6806

REPRESENTING WHOM? MISSOULA RURAL FIRE DIST

APPEARING ON WHICH PROPOSAL: H.B. 643

DO YOU: SUPPORT?                      AMEND?                      OPPOSE? ✓

CHAIRMAN MISSOULA FIRE DIST

COMMENT: AS I AM AN ELECTED OFFICIAL  
SUCH AS YOU, AND AS SUCH, I AM INTERESTED  
IN HOLDING DOWN TAXES IF THE LEGISLATION  
WERE TO PASS IT WOULD RAISE IT WOULD RAISE  
THE DISTRICT MILL LEVY 2 MILL OR MORE  
DEPENDENT UPON AREA REMOVED FROM DISTRICT  
FURTHER. THE CITY OF MISSOULA WOULD HAVE  
TO RAISE TAXES TO PAY FOR WATER MAINS FOR  
HYDRANTS OR TO BUY TAXMETERS TO MAINTAIN  
THE SAME LEVEL FIRE SERVICE NOW PROVIDED  
BY THE RURAL FIRE DISTRICT

THIS LEGISLATION WOULD DISFRANCHISE  
THE PROPERTY OWNERS OF THE DISTRICT IN

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

THAT THE DISTRICT IS FORMED BY ACTION  
OF ALL PROPERTY OWNERS, AND IF PASSED  
IT WOULD REMOVE THIS RIGHT FROM  
THE PROPERTY OWNERS WITHOUT ANY SAY



Bernie Swift  
3-19-83

# LETTERS

Ravalli Republic 3/83  
Rep. Bernie Swift

## No secret, but...

Dear Editor:

This is an open letter to Ravalli County residents.

It was good to have the opportunity of meeting with various group representatives and local residents of Ravalli County at the Woodside Grange Legislative Forum Thursday evening (Feb. 24). The forum afforded us a chance to review matters handled at Helena up to the mid-session break. Suffice it to say, the past 45 days has been demanding and hectic as well as interesting and frustrating to a freshman legislator.

Thanks to all those that attended the forum meeting and I wish that many more had been present. I mention this latter statement for the benefit of those reading the Friday, Feb. 25 edition of the Ravalli Republic that carried in bold headlines "Bud Schatz's lament about the financial plight of Hamilton." It is no doubt a safe bet that most people in the valley are aware of the problems mentioned by administrative assistant Schatz. It is no secret today that most of the cities nationwide are in dire financial straights. However, it was with considerable misgivings and dismay that I learned Thursday evening during the forum and later today, Friday, that Mr. Schatz accused me of wrong doing for disagreeing with his views by voting against House Bill 643.

For those of you that did not attend the forum, the Bill 643 in specific terms provides for a city or municipality to annex adjacent areas outside of city limits regardless of whether the people being annexed like it or not. In fact, the property owners being annexed have absolutely no say in whether or not the city does this. The city can proceed to take this action, as HB 643 takes away the rights of people to protest annexation action that is currently provided for in Montana law.

Suffice it so say that I informed Mr. Schatz that I certainly did vote against HB 643 and other bills that take away rights and privileges of property owners (citizens) to protest actions against them by government entities. Present annexation laws all provide an opportunity for

property holders to protest and/or be involved in decisions that affect them. It is absolutely wrong to arbitrarily take this right from (freeholders) owners. This type of action prevails in countries under fascist or socialistic forms of government, but I certainly didn't expect to hear a city government representative of Hamilton, Montana, condoning and advocating such practices! It must be that people get so involved with their own endeavors that they forget about equity or the rights of others that are afforded by our constitution.

It is suggested that property owners outside city limits review the current annexation statutes (at the county court house or city hall) and the proposed changes in annexation procedures and notify the senators in Helena of your views. (House Bill 643 has already passed the Montana house). This bill will be under consideration by the senate during the balance of this legislative session. You may contact legislators by phone in Helena at 449-4800 or by writing Capital Station, Helena, Montana 59620.

Representative Bernie Swift, Dist. #91  
SE 206 Rose Lane  
Hamilton, MT

(This sheet to be used by those testifying on a bill.)

NAME: Kera Cahoon DATE: 3/19/83

ADDRESS: Star Pt. - Bonner

PHONE: 244-5550

REPRESENTING WHOM? Miss County Freeholders

APPEARING ON WHICH PROPOSAL: HB-643

DO YOU: SUPPORT?        AMEND?        OPPOSE? ✓

COMMENT: No protest provisions  
Sensitivity can be changed  
by the stroke of a pen (Change  
law word (four) to two.  
Let the city show better financial  
management. They have reduced  
their tap base by buying land  
that serves no purpose. Their  
tap increment paying for downtown  
redevelopment has shown the people  
nothing (waste). The city needs  
better management and a better  
accountability & a more positive  
attitude

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Martha Powell DATE: 3/19/83

ADDRESS: P.O. Box 3867 - Missoula 59806

PHONE: 728-8775

REPRESENTING WHOM? Myself and relatives

APPEARING ON WHICH PROPOSAL: ~~HB 175~~ + HB 643

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

COMMENT: This is a dangerous bill because it intention-  
ally removes our right to vote on this controversial  
and socialist issue.

At a later date the consolidated areas in our  
state will be drawn into larger districts which  
will be controlled by appointed officials.

Taxation is unbearable now and it will  
increase under these proposals.

I beg of you to consider 643 very carefully.  
for its future implications.

Now is the time we need statesmen to  
keep us out of bondage - I thank you.

P.S. The City of Msls. should learn proper management  
If the County is annexed, Msls. Govt. will break it also

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: J. George Eitz DATE: 3/19/83

ADDRESS: 2204 River Road (5 acres gun belt)

PHONE: 5493830

REPRESENTING WHOM? Self & Hawthorne <sup>Homeowners</sup> ~~Trust~~ <sup>Assoc.</sup>

APPEARING ON WHICH PROPOSAL: HB 115 HB 643

DO YOU: SUPPORT?        AMEND?        OPPOSE? ✓

COMMENT: Am presenting letters of opposition  
from Hawthorne Homeowners Trs. Soc  
Hodges, pres. (real & personal)  
Lack of control over my own property,  
Loss of services now available  
No gain in services  
Loss your rights to object to  
annexation HB 643

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mrs. Ted Hodges  
2606 View Drive  
Missoula, Mt. 59801

March 18, 1983

To the Local Government Committee:

We would like to register our  
opposition to HB 643 + SB 115. We  
have stated our objections clearly in  
the past and nothing has changed.

We will appreciate your serious  
consideration.

Sincerely,

Mr. & Mrs. Ted Hodges

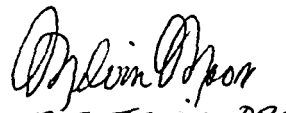
March 16, 1983

To: Local Government Committee

HAWTHORNE AREA HOMEOWNERS ASSOCIATION STRONGLY OPPOSES  
HB 643. WE ALSO OPPOSE SB 115.

THE REASONS ARE THE SAME AS PREVIOUS YEARS.

THANK YOU FOR YOUR  
CONSIDERATION.

  
715 JANIS DRIVE  
SCTY - TREASURER.

March 17, 1983

To: Local Government Committee

As I am a Senior Citizen, I firmly oppose annexation  
in the form of HB 643.

I also oppose Senate Bill 115.

Thank you.

Gertrude E. Hodges

2601 So. 7<sup>th</sup> St. West.  
Missoula, Montana

Local Govt Comm.

Mar 18 - 1983

HB 643 SB 115 (annexation)

Dear Representatives;

Please **OPPOSE**  
annexation into the  
city of Missoula for us.

Bigger is not that  
much better!

We moved here because  
it was rural. We prefer  
it to remain that way.

Sincerely

J. M. Carson

2540 So 7 W.

Missoula, Mont.

59801



Andrew E. & Darlene Y. Anderson  
2604 View Dr.  
Missoula, Mt. 59801

Re: Sen. Bill #115

Dear Local Gov. Committee:

We are very much opposed to any form of annexation. We bought our home eighteen years ago, we chose this area because it was not in the city limits. We are now retired, we live on a fixed income, as many of our neighbors do, and there is no way we can afford the taxes which would be added to our home if it were annexed to the city limits. Right now we also have better services such as the rural fire department, which would be lost to us if we were annexed.

We have been fighting this issue for a long time, it is time that the people we have voted for to represent us actually represent us, that is why we elected them. We are expecting you to represent us on this as well as all issues.

*Andrew E. Anderson*  
*Darlene Y. Anderson*

To whom it may concern:

I am opposed to HB443  
and SB 115 for the reasons  
clearly stated during previous  
consideration.

Sincerely  
Charles Byrdick  
2605 View Drive  
MSA, MS.

Bees dealing with County  
Annexation to the City.

Andrew E. and Darlene Anderson  
2604 View Br.  
Missoula, Mt. 59801

Re: House Bill #643

Dear Local Gov. Committee:

We are very much opposed to any form of annexation. We bought our home eighteen years ago, we chose this area because it was not in the city limits. We are now retired, we live on a fixed income, as many of our neighbors do, and there is no way we can afford the taxes which would be added to our home if it were annexed to the city limits. Right now we also have better services such as the rural fire department, which would be lost to us if we were annexed.

We have been fighting this issue for a long time, it is time that the people we have voted for to represent us actually represent us, that is why we elected them. We are expecting you to represent us on this as well as all issues.

*Andrew E. Anderson*  
*Darlene J. Anderson*

March 18, 1983

TO: WHOM IT MAY CONCERN

FROM: SANDRA REID, 2616 Sky Drive, Missoula, MT 59801

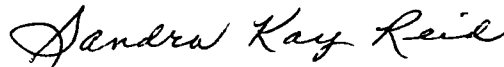
RE: H.B. 643 and Companion S.B. 115

I am writing this letter to encourage you to argue against the above bills for annexation by the cities of Montana, their adjacent county areas as needed for additional revenue.

I disagree with these bills for all the same reasons that they have been voted down before. To take in surrounding county areas to the cities would simply increase taxes for those rural areas, but provide little or no increased services

This decision should be left to each local area. These types of decisions should not be handled at the state level, leaving the local areas with a moot issue.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Kay Reid".

Sandra Kay Reid

Senator George McCallum  
Montana State Senate  
Local Government Committee

Senator McCallum,

We are writing to let you know we are strongly opposed to HB-643 and the companion Senate Bill #115. Your consideration would be appreciated.




Evelyn P. Miller  
1106 26th Ave.  
Missoula, Montana  
59801



Douglas N. Miller  
1106 26th Ave.  
Missoula, Mt.  
50801



Evelyn Heitz  
1114 26th Ave.  
Missoula, Mt.  
59801



Leo E. Heitz  
1114 26th Ave.  
Missoula, Mt.  
59801

March 18, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*H. G. Hershenson*

*3133 West Centre*

bills dealing with county annexation to the city

March 18, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*Naomi M. Herbenzon*  
*3133 W. Central*

bills dealing with county annexation to the city

March 18, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*Linda J. Kravichan*  
*906 26<sup>th</sup> Ave*  
*Mpls*

bills dealing with county annexation to the city



March 18, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*Royce R. Bryant*  
233e Agnes

bills dealing with county annexation to the city

March 18, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*Connie Bryant*  
2330 Agnes

bills dealing with county annexation to the city

March 18, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*Donald S. Kawashko*  
*906 26th Ave.*

bills dealing with county annexation to the city

March 13, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*William B. Hanson*  
2501 WEST CENTRAL  
MISSOULA, MONTANA

bills dealing with county annexation to the city

March 18, 1983

To Whom It May Concern:

I am opposed to HB643 and SB 115 for the reasons clearly stated during previous consideration.

Sincerely,

*Carol W. Hanson*  
*2501 West Central*  
*Spencer, Md. 59801*

bills dealing with county annexation to the city.

(This sheet to be used by those testifying on a bill.)

NAME: Julie Hacker DATE: 3/19/83

ADDRESS: Star Pl. - Banner

PHONE: 244-5521

REPRESENTING WHOM? Mt. Co. Traders

APPEARING ON WHICH PROPOSAL: HB643

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENT: ① HB643 takes away people's  
rights to approve what affects them.

② Missoula gov't needs to manage  
to offer something to  
people in order to encourage  
folks to annex.

③ People resent restrictive  
ordinances and rules of the  
city council (ie) sign ordinances, video game  
licenses, etc.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Sandra McQuillan DATE: 3/19/83

ADDRESS: Box 337, Milltown Mt 59851

PHONE: 825-3158

REPRESENTING WHOM? Self & Stone Mtn Neighborhood Assoc

APPEARING ON WHICH PROPOSAL: HB 643

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENT:

Puts property owners at the mercy of  
their governing body. Loss of freedom  
to individuals.

Letter included from Stone  
Mtn. Neighborhood Assoc.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*Sandra McQuillan*  
3-19-83

Stone Mountain  
Neighborhood Association  
Missoula, MT 59803

To Whom It May Concern:

March 18, 1983

I wish to have this opportunity to state my views regarding House Bills 115 (introduced by Waldron) and 643 (introduced by Jensen and others). HB 115 is "an act to provide for local government service districts that may provide any local government service within the jurisdictional area of one or more local governments; and to provide a method for creating, modifying, combining, abolishing, funding and administering such districts." I am opposed to this bill. We don't need it. What will this bill accomplish that cannot currently be done by other means? Is this an attempt to have charter government through the backdoor? I believe we already have structures in place to provide the services outlined in the proposed bill.

Similarly, I am opposed to HB 643 which is "an act to provide for municipal annexation of contiguous high-density land under certain conditions." This bill leads to a further erosion of the rights of the people to govern themselves and do what they think is best and most prudent. Property owners should never have their right to protest taken away. This puts property owners at the mercy of their governing body. Remember the constitution states: ....government by and for the people.... We should never lose this ideal. I will fight to have any of our freedoms reduced or removed.

Sincerely,

*Hans Zuuring*

---

Dr. Hans Zuuring  
President, Stone Mtn.  
Neighborhood Assn.



Jack Cain  
3-19-83

Hamilton, MT 59840  
March 17, 1983

Hon. Senator George McCallum  
Senate Building  
Helena, MT.

Honorable Senators:

HOUSE BILL No. 643

I respectfully direct your attention to Senate Bill No. 332, having to do with any City annexing adjacent areas of wholly surrounded land.

*contiguous high density land under certain conditions.*

Please reflect for a moment and consider that traditionally and normally and under the best of jurisprudence, annexation, as such, reflected on the supposition that areas adjacent to cities could thereupon, lawfully, pursue annexation with a given city, the absolute reverse of what SB 332 has reference to.

A most ambiguous feature of SB 332 is the unique omission of any section whatever having to do with the participation of landowners or freeholders having any say as to whether or not their property is subject to annexation in any form.

A comprehensive survey of freeholders of properties adjacent to the City of Hamilton indicate, without any question whatever, that they should have their constitutional redress of voting privileges should an annexation proposal develop into issue. As a matter of fact, many residents of Hamilton, ironically, are very insistent when they feel the same way.

Many cities are in dire financial distress, of course, as a matter of fact, so are many counties. Any practical observation will indicate the State of Montana is in financial difficulty as well. Quite obviously, the sole purpose of cities annexing adjacent properties is to solve their financial dilemma. The City of Hamilton has absolutely nothing to offer the surrounding areas. Hamilton's street surfaces are deplorable. Both the sewer and water services are in extreme distress. It would appear that's the sole purpose of annexation in this case is to firm up Hamilton's tax base. It is common knowledge and has been publicly stated by Hamilton officials that the impact from surrounding areas are the ruination of Hamilton streets and facilities, when in fact were it not for the same impact, Hamilton could not and would not exist. The fact of the matter is simply, the merchants of Hamilton would be in extreme distress were it not for the support of the areas they wish now to assume control of and in turn virtually destroy said areas through neglect of these areas the same way they neglect their city. Perhaps now is the proper time to consider in all seriousness the proposal of consolidation between city and county.

Sincerely,

John L. Cain  
Hamilton, MT. 59840

To; Senate Local Government Committee

RE: House Bill No. 643

I am a farmer producing crops on several plots of ground east of Reserve Street in Missoula County. This extremely productive land has belonged to members of my family for several decades.

I feel threatened by this bill. Two years ago similar legislation was proposed and the Mayor of Missoula indicated his desire to annex the area east of Reserve Street which is where the ground I farm is located. This area is not entirely high density, nor entirely agricultural, it is a very mixed area with some developed areas scattered among low density and farm land. I believe the residents of this area prefer to keep it the way it is.

I believe the objective of HB 643 is more than to gain a increased tax base for the city, but also to give the city a greater political base, and extend the city laws over a larger area.

I noticed several potential problems which may occur if the City of Missoula attempts to annex under this legislation.

- 1) The annexed areas would be required to meet city laws. Many people in this area may not be in compliance with the city rules. They are happy the way things are now why change?
- 2) The city may not be able to provide as fast nor as complete fire protection as currently is available. this could lead to additional danger to lives and property.
- 3) The character of the area may change if the city permits even higher density and other uses. Neighbors living outside the city limits would have no voice in the decisions affecting their surroundings.

In the past I have not opposed people wanting voluntary annexation. If forced into the city I believe a public hearing with valid protest should be held. Protest should be allowed if:

- The people cannot meet city laws.
- The city cannot provide equal or better fire protection.
- It would change the character of the neighborhood involved.

If no protest can be allowed in this bill, I request it be killed.

*Bruce A. Benson*

Bruce A. Benson  
2418 So. 7th West  
Missoula, Montana 59801

(This sheet to be used by those testifying on a bill.)

NAME: Tina Fausett DATE: 3-19-83

ADDRESS: Box 625 Clinton, Mt 59825

PHONE: none

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: HB 643

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENT: I am opposed to HB 643 because I am  
opposed to removing the Freeholder protest  
from any ~~law~~ law.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME:

Louis T. Olson

DATE:

3/19/83

ADDRESS:

530 S.W. Higgins

PHONE:

543-5911

REPRESENTING WHOM?

Me.

APPEARING ON WHICH PROPOSAL

B-643

~~B-645~~

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENT:

*I oppose this bill. I would like to know why you want to have control of the voters, and our land. We should be able to control our destiny. We have owned property in Tulsa for 35 years. and I thought we elected people to represent us.*

*I feel Urban & County residents spend a lot of money, on groceries, furniture, clothing, Dr and Dentist, and*

*Let's live within our income*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: NORMA ROSSIGNOL DATE: 3-19-83

ADDRESS: Box 128. hoko, MT 59847

PHONE: 273-6663

REPRESENTING WHOM? ROSSIGNOL LOGGING & RANCH CO.

APPEARING ON WHICH PROPOSAL: 443

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENT: RURAL PEOPLE SHOULD

BE ABLE TO VOTE FOR

OR AGAINST ANNEXATION

AND NOT BE FORCED

By LEGISLATION. hoko HAS ITS

OWN Sewer System AND County Services

ARE ADQUATE. WE ALSO HAVE A FIRE

DEPT WERE PAYING FOR AND WATER SYSTEM.

WHY BE FORCED INTO City JURISDICTION?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: J. E. McHatten DATE: Mar 19 83

ADDRESS: Bitterroot Rd Box 746 Solomont.

PHONE: 273 2512

REPRESENTING WHOM? Jedha

APPEARING ON WHICH PROPOSAL: H. B. 643

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

COMMENT: \_\_\_\_\_

annexation should be limited to  
the desire of the people

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Marion E. McHatten DATE: 3-19-83

ADDRESS: Box 746 - Lolo, Mt 59847

PHONE: 273-2512

REPRESENTING WHOM? Same

APPEARING ON WHICH PROPOSAL: 643

DO YOU: SUPPORT?            AMEND?            OPPOSE? yes!

COMMENT: if these people desire to be

annexed they should petition for

the same. Not be forced into annexation

by a law such as this. There is no right

to protest & Section 1-A is unclear.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: A.H. ROGEMANS DATE: 3-19-83

ADDRESS: 1007 Hibernia St Milwaukee, WI 53201

PHONE: 549-6729

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: 643

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

COMMENT: There <sup>are</sup> many people within the city limits  
that would do ~~handstands~~ if they could get  
out; there are some out of the city that  
want in!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



# CITY OF LIBBY

LINCOLN COUNTY, MONTANA

POST OFFICE BOX 2  
LIBBY, MONTANA 59923

March 19, 1983

TO: Local Government Committee

RE: House Bill 643

As this legislative session speeds to a conclusion, the ability to spread the tax dollar as far as anticipated or needed will fall woefully short, and as Montana's cities and towns will again be adversely affected by this shortfall, it is critical that legislation such as that of House Bill 643 be enacted in an attempt to allow communities to "do for themselves".

Libby shares with numerous Montana communities the problem of being immediately surrounded with a sizeable county population, which in this case is three times the population of the city. It goes without saying these 7000 + are sharing in street use, police protection and other city services without the benefit of their tax contribution. But, the major concern of the City of Libby is those properties immediately adjacent to the city boundary; "bedroom communities" that are urban in nature and ultimately requiring the amenities such as ordinances, waste and sewer disposal and the like that city dwellers require. Ironically, located on city perimeter streets, these people are already directly receiving, free gratis, street maintenance and lighting.

As a direct result of House Bill 643 and the 4 dwelling per acre requirement, Libby will be able to annex an additional 381 homesites and increase the city tax base by an estimated 18%. The only community service not afforded these people at this time is sewage disposal and with the close proximity of major sewer outfall lines, this service could be extended to them with a minimum amount of disturbance and cost.

Combining services, such as law enforcement and fire protection with Lincoln County has extended Libby's financial capabilities, but inflation is again jeopardizing the city's ability to maintain its share in these cooperative efforts. For example, the rural fire district and the city fire department share equipment, housing and volunteer personnel on a pro rated basis. Without the increase in revenue afforded by the proposed enlarged tax base, the city will be required to petition the Lincoln County commissioners to come under the jurisdiction of the rural fire district. This will decrease local taxes, but will mean the loss of city contribution to the pension plan of the volunteer firemen.

In summary, cities of Montana are asking for the ability to help themselves. They are asking for an avenue that requires those people in our communities that are using services to equitably pay for them.

Sincerely,



Fred A. Brown  
Mayor

(This sheet to be used by those testifying on a bill.)

NAME: PAUL R. PALMER DATE: 3/19/83

ADDRESS: 805 11<sup>th</sup> StE Kalispell, MT

PHONE: 257-0440

REPRESENTING WHOM? City of Kalispell

APPEARING ON WHICH PROPOSAL: Annexation

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENT: Any subdivision that is adjacent  
to the city limits or P.U.D. that consists  
of 4 dwellings per acre should be  
considered for annexation.

Most of these people adjacent to the  
city limits derive all or part of their  
income from that City and benefit  
from the services provided. Examples:  
Parks, swimming pools, zoning, etc.

The City belongs to all users - with-  
out a City and its complexities, high density  
suburbs would not exist.

This is an option not a mandate.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.