

1 House JOINT RESOLUTION NO. 33
 2 INTRODUCED BY DENNY Mills Hagen James Bartlett
 3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
 5 MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE STUDY THE BENEFITS AND
 6 DRAWBACKS OF ENHANCING THE ABILITY OF LOCAL JURISDICTIONS TO SELF-GOVERN; AND
 7 REQUIRING THE COMMITTEE TO REPORT ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.
 8

9 WHEREAS, many of the provisions of Title 7, MCA, prohibit, restrict, or prescribe certain actions
 10 by a unit of local government; and

11 WHEREAS, current statutory provisions are, in many cases, akin to the unnecessary
 12 micromanagement repudiated and condemned in current schools of business and government and by state
 13 and local government officials and the public; and

14 WHEREAS, units of local government are better situated in most cases than the state Legislature
 15 to devise the framework within which their respective jurisdictions should be governed; and

16 WHEREAS, the Montana Constitution provides that specific delegation of powers to local
 17 governments is necessary; and

18 WHEREAS, although there is provided within Title 7, MCA, the procedures by which a unit of local
 19 government may adopt a charter with self-governing powers, the self-governing powers authorized are
 20 limited beyond what may be necessary or prudent.
 21

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
 23 STATE OF MONTANA:

24 That an appropriate interim committee be assigned to conduct a comprehensive review of the
 25 constitutional and statutory options for units of local government to establish self-governing powers with
 26 the broad purposes of:

27 (1) contemplating the philosophical underpinnings of local government and the relationships among
 28 local government units and between local governments and the state;

29 (2) developing an understanding of what self-governance options are and are not available to local
 30 governments under the constitution and current law;

1 (3) revisiting state policies, primarily enacted as state laws and codified in Title 7, MCA, that direct,
2 restrict, or otherwise affect governance at the local level; and

3 (4) identifying options for local governance that are consistent with constitutional provisions and
4 that more effectively address the needs and goals of local governments within the contemporary yet
5 traditional context of providing maximum flexibility that is consolidated with accountability and
6 responsibility.

7 BE IT FURTHER RESOLVED, that the committee:

8 (1) may request assistance or information from:

9 (a) the Montana Association of Counties, the Montana League of Cities and Towns, the Montana
10 Taxpayers Association, the Montana School Boards Association, or others, including citizens' groups,
11 identified by the committee as having relevant insights or information germane to the study;

12 (b) private entities that have business relationships with local governments and that may be
13 affected by the authority exercised by local governments; and

14 (c) other persons or entities, including the Local Government Center of Montana State
15 University-Bozeman and other resources within the Montana University System, that may have insights or
16 information pertinent to the study of the powers of local government; and

17 (2) shall prepare a report of its findings, conclusions, options identified for further consideration,
18 and recommendations, including legislation if advisable, to the Governor and the 56th Legislature.

19 -END-

HOUSE JOINT RESOLUTION NO. 33

INTRODUCED BY DENNY, MILLS, HAGENER, EWER, BARTLETT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE STUDY THE BENEFITS AND DRAWBACKS OF ENHANCING THE ABILITY OF LOCAL JURISDICTIONS TO SELF-GOVERN; AND REQUIRING THE COMMITTEE TO REPORT ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.

WHEREAS, many of the provisions of Title 7, MCA, prohibit, restrict, or prescribe certain actions by a unit of local government; and

WHEREAS, current statutory provisions are, in many cases, akin to the unnecessary micromanagement repudiated and condemned in current schools of business and government and by state and local government officials and the public; and

WHEREAS, units of local government are better situated in most cases than the state Legislature to devise the framework within which their respective jurisdictions should be governed; and

WHEREAS, the Montana Constitution provides that specific delegation of powers to local governments is necessary; and

WHEREAS, although there is provided within Title 7, MCA, the procedures by which a unit of local government may adopt a charter with self-governing powers, the self-governing powers authorized are limited beyond what may be necessary or prudent.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to conduct a comprehensive review of the constitutional and statutory options for units of local government to establish self-governing powers with the broad purposes of:

(1) contemplating the philosophical underpinnings of local government and the relationships among local government units and between local governments and the state;

(2) developing an understanding of what self-governance options are and are not available to local governments under the constitution and current law;

1 (3) revisiting state policies, primarily enacted as state laws and codified in Title 7, MCA, that direct,
2 restrict, or otherwise affect governance at the local level; and

3 (4) identifying options for local governance that are consistent with constitutional provisions and
4 that more effectively address the needs and goals of local governments within the contemporary yet
5 traditional context of providing maximum flexibility that is consolidated with accountability and
6 responsibility.

7 BE IT FURTHER RESOLVED, that the committee:

8 (1) may request assistance or information from:

9 (a) the Montana Association of Counties, the Montana League of Cities and Towns, the Montana
10 Taxpayers Association, the Montana School Boards Association, or others, including citizens' groups,
11 ASSOCIATIONS OF ELECTED OFFICIALS, AND PRIVATE CITIZENS, identified by the committee as having
12 relevant insights or information germane to the study;

13 (b) private entities that have business relationships with local governments and that may be
14 affected by the authority exercised by local governments; and

15 (c) other persons or entities, including the Local Government Center of Montana State
16 University-Bozeman and other resources within the Montana University System, that may have insights or
17 information pertinent to the study of the powers of local government; and

18 (2) shall prepare a report of its findings, conclusions, options identified for further consideration,
19 and recommendations, including legislation if advisable, to the Governor and the 56th Legislature.

20

-END-

1 HOUSE JOINT RESOLUTION NO. 33

2 INTRODUCED BY DENNY, MILLS, HAGENER, EWER, BARTLETT

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE STUDY THE BENEFITS AND
6 DRAWBACKS OF ENHANCING THE ABILITY OF LOCAL JURISDICTIONS TO SELF-GOVERN; AND
7 REQUIRING THE COMMITTEE TO REPORT ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.

8

9 WHEREAS, many of the provisions of Title 7, MCA, prohibit, restrict, or prescribe certain actions
10 by a unit of local government; and

11 WHEREAS, current statutory provisions are, in many cases, akin to the unnecessary
12 micromanagement repudiated and condemned in current schools of business and government and by state
13 and local government officials and the public; and

14 WHEREAS, units of local government are better situated in most cases than the state Legislature
15 to devise the framework within which their respective jurisdictions should be governed; and

16 WHEREAS, the Montana Constitution provides that specific delegation of powers to local
17 governments is necessary; and

18 WHEREAS, although there is provided within Title 7, MCA, the procedures by which a unit of local
19 government may adopt a charter with self-governing powers, the self-governing powers authorized are
20 limited beyond what may be necessary or prudent.

21

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
23 STATE OF MONTANA:

24 That an appropriate interim committee be assigned to conduct a comprehensive review of the
25 constitutional and statutory options for units of local government to establish self-governing powers with
26 the broad purposes of:

27 (1) contemplating the philosophical underpinnings of local government and the relationships among
28 local government units and between local governments and the state;

29 (2) developing an understanding of what self-governance options are and are not available to local
30 governments under the constitution and current law;

1 (3) revisiting state policies, primarily enacted as state laws and codified in Title 7, MCA, that direct,
2 restrict, or otherwise affect governance at the local level; and

3 (4) identifying options for local governance that are consistent with constitutional provisions and
4 that more effectively address the needs and goals of local governments within the contemporary yet
5 traditional context of providing maximum flexibility that is consolidated with accountability and
6 responsibility.

7 BE IT FURTHER RESOLVED, that the committee:

8 (1) may request assistance or information from:

9 (a) the Montana Association of Counties, the Montana League of Cities and Towns, the Montana
10 Taxpayers Association, the Montana School Boards Association, or others, including citizens' groups,
11 ASSOCIATIONS OF ELECTED OFFICIALS, AND PRIVATE CITIZENS, identified by the committee as having
12 relevant insights or information germane to the study;

13 (b) private entities that have business relationships with local governments and that may be
14 affected by the authority exercised by local governments; and

15 (c) other persons or entities, including the Local Government Center of Montana State
16 University-Bozeman and other resources within the Montana University System, that may have insights or
17 information pertinent to the study of the powers of local government; and

18 (2) shall prepare a report of its findings, conclusions, options identified for further consideration,
19 and recommendations, including legislation if advisable, to the Governor and the 56th Legislature.

20

-END-

HOUSE JOINT RESOLUTION NO. 33

INTRODUCED BY DENNY, MILLS, HAGENER, EWER, BARTLETT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE STUDY THE BENEFITS AND DRAWBACKS OF ENHANCING THE ABILITY OF LOCAL JURISDICTIONS TO SELF-GOVERN; AND REQUIRING THE COMMITTEE TO REPORT ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.

WHEREAS, many of the provisions of Title 7, MCA, prohibit, restrict, or prescribe certain actions by a unit of local government; and

WHEREAS, current statutory provisions are, in many cases, akin to the unnecessary micromanagement repudiated and condemned in current schools of business and government and by state and local government officials and the public; and

WHEREAS, units of local government are better situated in most cases than the state Legislature to devise the framework within which their respective jurisdictions should be governed; and

WHEREAS, the Montana Constitution provides that specific delegation of powers to local governments is necessary; and

WHEREAS, although there is provided within Title 7, MCA, the procedures by which a unit of local government may adopt a charter with self-governing powers, the self-governing powers authorized are limited beyond what may be necessary or prudent.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to conduct a comprehensive review of the constitutional and statutory options for units of local government to establish self-governing powers with the broad purposes of:

(1) contemplating the philosophical underpinnings of local government and the relationships among local government units and between local governments and the state;

(2) developing an understanding of what self-governance options are and are not available to local governments under the constitution and current law;

1 (3) revisiting state policies, primarily enacted as state laws and codified in Title 7, MCA, that direct,
2 restrict, or otherwise affect governance at the local level; and

3 (4) identifying options for local governance that are consistent with constitutional provisions and
4 that more effectively address the needs and goals of local governments within the contemporary yet
5 traditional context of providing maximum flexibility that is consolidated with accountability and
6 responsibility.

7 BE IT FURTHER RESOLVED, that the committee:

8 (1) may request assistance or information from:

9 (a) the Montana Association of Counties, the Montana League of Cities and Towns, the Montana
10 Taxpayers Association, the Montana School Boards Association, or others, including citizens' groups,
11 ASSOCIATIONS OF ELECTED OFFICIALS, AND PRIVATE CITIZENS, identified by the committee as having
12 relevant insights or information germane to the study;

13 (b) private entities that have business relationships with local governments and that may be
14 affected by the authority exercised by local governments; and

15 (c) other persons or entities, including the Local Government Center of Montana State
16 University-Bozeman and other resources within the Montana University System, that may have insights or
17 information pertinent to the study of the powers of local government; and

18 (2) shall prepare a report of its findings, conclusions, options identified for further consideration,
19 and recommendations, including legislation if advisable, to the Governor and the 56th Legislature.

20

-END-

1 HOUSE JOINT RESOLUTION NO. 33

2 INTRODUCED BY DENNY, MILLS, HAGENER, EWER, BARTLETT

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE STUDY THE BENEFITS AND
6 DRAWBACKS OF ENHANCING THE ABILITY OF LOCAL JURISDICTIONS TO SELF-GOVERN; AND
7 REQUIRING THE COMMITTEE TO REPORT ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.

8

9 WHEREAS, many of the provisions of Title 7, MCA, prohibit, restrict, or prescribe certain actions
10 by a unit of local government; and

11 WHEREAS, current statutory provisions are, in many cases, akin to the unnecessary
12 micromanagement repudiated and condemned in current schools of business and government and by state
13 and local government officials and the public; and

14 WHEREAS, units of local government are better situated in most cases than the state Legislature
15 to devise the framework within which their respective jurisdictions should be governed; and

16 WHEREAS, the Montana Constitution provides that specific delegation of powers to local
17 governments is necessary; and

18 WHEREAS, although there is provided within Title 7, MCA, the procedures by which a unit of local
19 government may adopt a charter with self-governing powers, the self-governing powers authorized are
20 limited beyond what may be necessary or prudent.

21

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
23 STATE OF MONTANA:

24 That an appropriate interim committee be assigned to conduct a comprehensive review of the
25 constitutional and statutory options for units of local government to establish self-governing powers with
26 the broad purposes of:

27 (1) contemplating the philosophical underpinnings of local government and the relationships among
28 local government units and between local governments and the state;

29 (2) developing an understanding of what self-governance options are and are not available to local
30 governments under the constitution and current law;

1 (3) revisiting state policies, primarily enacted as state laws and codified in Title 7, MCA, that direct,
2 restrict, or otherwise affect governance at the local level; and

3 (4) identifying options for local governance that are consistent with constitutional provisions and
4 that more effectively address the needs and goals of local governments within the contemporary yet
5 traditional context of providing maximum flexibility that is consolidated with accountability and
6 responsibility.

7 BE IT FURTHER RESOLVED, that the committee:

8 (1) may request assistance or information from:

9 (a) the Montana Association of Counties, the Montana League of Cities and Towns, the Montana
10 Taxpayers Association, the Montana School Boards Association, or others, including citizens' groups,
11 ASSOCIATIONS OF ELECTED OFFICIALS, AND PRIVATE CITIZENS, identified by the committee as having
12 relevant insights or information germane to the study;

13 (b) private entities that have business relationships with local governments and that may be
14 affected by the authority exercised by local governments; and

15 (c) other persons or entities, including the Local Government Center of Montana State
16 University-Bozeman and other resources within the Montana University System, that may have insights or
17 information pertinent to the study of the powers of local government; and

18 (2) shall prepare a report of its findings, conclusions, options identified for further consideration,
19 and recommendations, including legislation if advisable, to the Governor and the 56th Legislature.

20 -END-