

Maureen and Mike

Mansfield Library

UNIVERSITY OF MONTANA

Archives and Special Collections

Mansfield Library, University of Montana

Missoula MT 59812-9936

Email: library.archives@umontana.edu

Telephone: (406) 243-2053

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Oral History Number: 346-005

Interviewees: Dorothy Eck, Peter Koehn

Interviewer: Robert E. Eagle

Date of Interview: circa 1972

Project: 1972 Montana Constitutional Convention Oral History Project

Note: The first part of this audio is Dorothy Eck speaking to an unidentified group about the Montana State Local Government Study Commission. The second part of the audio is Peter Koehn being interviewed by Robert Eagle about the same commission.

[applause]

Dorothy Eck: One of the great things about the legislative session during January and February—and it does get to be a very hectic time—is the number of young people that come to Helena and I think there are more every year that come to observe and find out what government is all about. I think that [laughter] at this time in our nation's history, it's especially important for people to get a real feel for government. I don't know how many of you watch the polls, but I was a bit disturbed as I have been before when the last Harris Poll came out this week that showed a tremendously high proportion of people that are completely disillusioned with politics and politicians especially. Maybe a day or two before that poll came out, I had looked at a Harris Poll that came out in September and had been used in conjunction with a study that had been done in the United States Senate and their Committee on Intergovernmental Relations.

While the Harris Poll looks discouraging in some ways, this was a rather complete report, and I thought it showed some signs of encouragement too. For one thing, it showed that the people really felt that democracy could work, that we could devise some democratic systems to make government at all levels responsive and responsible and acceptable to the people. One other indication was that people are demanding as Governor Judge said that the amount of power of government be shifted from Washington to the state governments and especially to local governments. That's where I am so far as state government goes. In my position as State-Local Coordinator, one of my functions is to express the points of view of local government to state government, so that the state government can come up with the kinds of programs that local government needs. On the other hand, we also work with the state agencies so that when they come up with programs that affect local governments, they can get some feedback from the local government to find out whether it's really likely to work very well.

But the very exciting thing in the area of local government that's going on right now is the whole process of local government modernization. I think maybe that's one reason I'm here, and it's an exciting area to work in because it's one that Governor Judge has really given high priority to. During the time, when he was a legislator and when he was lieutenant governor, he was always very much concerned towards government modernization, and he worked hard so far as the modernization of state government goes. But through that whole process I think he

Dorothy Eck Interview, OH 346-005, Archives and Special Collections, Mansfield Library, University of Montana-Missoula.

recognized, too, the importance of local government modernization, and I guess the state modernization had to come first. I'd like to get in to what the process is really likely to mean in your community with the hopes that this is a kind of grassroots movement that a good number of young people will become involved in.

What's happening right now is we have two bills before the legislature. There's House Bill 774, which sets up a state local government modernization commission, and this commission will hire a staff. They don't have a lot of money, but I think they feel they can hire seven or eight something like that. They'll have two big jobs. The most important one, and the one that absolutely has to get done, is to come up with some optional forms of government, so that when in 1976 that election comes up the people will have optional forms to choose from. They will also be rewriting practically all of the state law that relates to local government, and no one knows exactly how much it is. I've heard estimates to any place from 6,000 to 12,000 sections in our statutes that deal with local government. The reason that they almost all have to be revised is because the Constitutional Convention asked—in fact, requires—that the legislature make available to local government what they call self-governing powers.

For all of the years that Montana as a state has been in existence, and this is true in most other states, local governments have very limited powers. When the constitution was written, there was very little trust in the ability of local governments to govern themselves. Local governments can do only what is specified in state law. If a project comes up that they want to deal with and it's not written there in the state law, they can't do it. And it's amazing. I heard one of the legislators this morning say that there were 156 bills in this session of the legislature that dealt with local government. Well, as a matter of fact, there are 156 bills I think that have been referred to the local government committees, but there are an awful lot of other ones that have been put into other communities. The bills that I've pulled out for my files that have some relationship to local government, I would guess would be maybe close to twice that many. I'd say well over 200 anyway. Some of these are important, and there are things that the legislature is going to have to deal with anyway, but a lot of them are—they look ridiculous. One of them says that county governments are given the power to enact leash laws for dogs. One of them says that if the a city council has bids for a building project or something else or something they're going to buy to open up, that it must be done or that they're able to do it at a meeting other than their regular city council meeting. In other words, they could have a special meeting.

What this means is that not only does the legislature, is the legislature responsible for setting out the major duties and functions and rules and regulations under which city and county government operate, but all of the piddly little day-to-day details you wouldn't ordinarily even write into bylaws are in there. Now, in actual practice, I've been told this doesn't really make very much difference because we have a lot of small towns that have been self-governing towns for a long time. The reason they're self-governing is that they've never read all those statutes, and as long as they don't know they have all these restrictions, they get along pretty well, just operating on common sense. But every now and then they're called up tight, and if

they are called into court, why, their actions are considered to be illegal and they have to be rejected.

This process of rewriting the laws will go on—and coming up with new forms—will be pretty well finished by the next legislative session. In the meantime, there's another provision, and I think this is the one that you'll be more interested in, and that is legislation that provides for the establishment of local government study commissions or review commissions. This bill is House Bill 805. It was reported out of the local government committee in the House this morning with a due pass, which means in a couple of days it'll be up for debate. It might be changed somewhat before it's actually passed, but let me tell you how it reads now and how it will function.

Sometime about next August I think it is, the candidates can file for the election as a study commission member in your local...for your local government. This means that we are planning for a local government study commission in every city and town and county in the state. The city council and the county commission will probably decide how large the body this is going to be, and they might...It has to be at least three. My guess is that most of them be five or seven. Maybe some of the larger towns will have nine. In order to run for that office, it requires a petition—that means carrying a petition out and having it signed by other eligible voters. Incidentally, the age requirement on this is still 18, and some of you might be 18 by next summer. Actually, you wouldn't have to be 18 until next November to run. We're expecting that in some places where there's a lot of interest there might be a lot of candidates because there won't be a primary for this election. We had an election without a primary in Great Falls not long ago, and they ended up I think with 50 some candidates. But I wouldn't think that it would be that many. At next fall's election, these commissioners will be elected. It means that all the voters will be able to vote for commissioners for their city and commissioners for the county as well. Now, it's possible that within a county, or even among counties, that once these commissions are established, they can work together, but at least to begin with they're separate.

During the first few months after a commission is organized, they'll study their local government: how it works now, what their problems are, what the restrictions are upon them that are invoked by state government that they find difficult; how well services are provided; and whether they think certain services should be the responsibility of a city or a county or maybe the state. In some cases, they might think it's federal responsibility. By the time the legislature meets next year, I would guess that quite a few of these local study commissions will become active in the lobbying process at the legislature. They won't have been in session very long, and yet this will provide some good input to the legislative session next year that is setting up alternate forms of government. After the legislature has met and established these alternate forms, then the study commissions will study each of the alternate forms of government and evaluate it against their own local situation and decide whether or not they want to recommend one of the alternate forms of government or whether they want to write their own form of government.

Now, the Constitutional Convention and the next legislature will also have provided for charter writing. If a local government decides to write a charter, this would be somewhat like writing a constitution for your own local government. You'd go through a good bit of the same process, maybe with a few more limitations than a state constitution would have. The next legislature will also set up requirements of when this process has to be finished—in other words when the alternate form should be ready to present to the voters. There's been some talk that they might want to have it ready by an election in June or sometimes through the summer. They might want to have a special election. They might want to wait until the November election. Whatever the choice is there, I would guess that they will have to have their form of government recommended—their alternate form—sometime several months before that election, and then the voters themselves will have time to become educated. I don't want to infer that the voters haven't really been, or the active citizens anyway, haven't been a part of this all along because if a process like this is to really become effective and if people are going to wisely choose a new form of government, they should be there participating in meetings and coming to hearings and letting their ideas be heard through this entire process. I think that this will happen.

This comes back to the other function of the Local Government Study Commission, and that is to provide adequate assistance both to the study commissions out around in the local government and also to the citizens. There's not really very much funding, in fact there's not any funding, in the study commission appropriation that's recommended to do this kind of thing. We found that, we're expecting that the Bureau of Research, governmental research at the University [University of Montana] is going to be providing material. We know that the Extension Service is going to become involved, and we have had quite a few proposals from various groups, colleges, the Committee on Humanities that are planning educational programs all around the state during the next couple of years so people will be able to participate in this whole process. I think that from your point of view this offers a good opportunity for input. I think that young people should start right now trying to grasp what's happening in their local government, finding out what the problems are, and in what way they would like to recommend solutions. I found that that young people have become very effective lobbyists. We had some splendid lobbyists over during the time of the Constitutional Convention, and I think that they made an impact, I know that there were a couple of areas, couple of sections, in the constitution that responded directly to suggestions from youth groups. I think this should be true in each legislative session, and I think it should be especially true in this project where you're working right in your own community. It's hard to get to Helena and to keep in contact with your legislator here, but when you have a major study like this going on right in your community, it should be easy for you to have impact.

There are a couple of other areas that I would like to recommend to you so far is involvement goes. One the governor just touched very lightly this morning on his proposal for campaign reform. If you have a few days around here or if you have some time for letter writing when you get home, that bill has, I think, maybe a week yet, less than a week, to get out of committee if it's to survive. I think the mood of the American people right now and distrust that they show in politicians makes it imperative that we have this kind of a bill that would put the

whole of political campaigns up and above board. From a kind of selfish point of view, I see the same thing as being important in this whole local government modernization process in that it would be, and especially in the local level, as our law stands now any corporation or any committee of people without identifying themselves or saying where their money comes from can and have in the past participated in this kind of a campaign that deals with issues rather than candidates to try to get them defeated. For this reason, I'd like to see that bill going on. Now, I won't object to groups coming out and opposing an alternate form of government, and I think that the more discussion we get—pro and con, whatever is proposed in your community—the better it is, but I think that to be honest about it you ought to know where that money's coming from and who is responsible. We get a lot of slanderous types of campaigns in Montana without being able to fix responsibility. Well, that's one area.

Then there are a couple of other proposals that aren't really tied to legislation at all that I think you ought to know about. One is a new program under ACTION, and you know ACTION is the federal program that has sponsored the Peace Corps, Vista, they have RSVP for older volunteers—quite a few good programs. This new one is called Program for Local Service, and the intent in Montana is to hire—and I say hire with quotes because they don't pay them very much at all—as many, any place from 50 to 150 volunteers to work in their own local areas on volunteer service projects. I think they're paid \$200 a month, which for young people isn't that bad. My guess is that they're not going to...In fact, I don't think they can hire a volunteer younger than 18, but I would think that this is something that your youth groups and maybe some of the older members of your group should really know about and watch for because it will be coming up during the next two or three months. These volunteers might be sponsored by your county commissioners they might be sponsored by the city council or they might be sponsored by some other agency in in your community. But it does offer, I think, a very good kind of volunteer service program. Now, it isn't entirely for youth. The only place that this has been tried out has been in the Seattle area, and there it was—it was strictly for, I think, youth 18 to 24 something like this. They're expecting in this 150 volunteers to get quite a few volunteers that'll maybe be among retired people. They might get retired schoolteachers, retired businessmen, they might get frustrated housewives. There are lots of kinds of volunteers that you can get, and especially in small towns where there aren't any jobs at all and you're used to working as a full-time volunteer for nothing \$2,000 might not look that bad. But this is a program that should offer some real opportunity for youth in Montana, and in a way to participate in what's happening in Montana.

Montana in many ways right now is a great place to be, and whether you look at it politically or economically or socially, there are no end of opportunities where young people can make a contribution. I had a young fellow called me up this last week. He graduated in architecture a couple of years ago and he's gone into farming, but he had been going around the country looking at experimental farms between here and Oklahoma—various agricultural research. He came back absolutely convinced that we could double our production of beef in Montana if just there were some kind of a group that he could plug into. Well, fortunately, the group that Governor Judge talked to you about this morning that's interested in just this thing. They're interested in promoting market, and one of the things we need to do before we promote

market is to make sure that we're going to have adequate supply. Now, I don't know whether this...I have no way to evaluate this young fellow's ideas of how he thought it could be done, but it was obvious that he had given it a lot of thought and a lot of research and was looking for some way to plug in. I would suggest that when you get good ideas, when you get some thought, or if you hear something, someone with good ideas, that you don't just say 'nothing can come of them.' It might be that the best place for you to call if you don't know where else to touch base would be with the Citizen Advocates office because they do make an effort to put you in touch with whoever it is that can respond to what your idea is.

I think what I'm saying to you mostly is that whatever your interests are or your enthusiasms I think that right now is a great place, Montana is a great place to be young, and I hope that you'll plug your particular interests into what's going on in the state. We have any questions?

Unidentified Speaker: [unintelligible question]

DE: I'm sure that one of the options that's going to be most discussed is consolidation, but as a matter of fact, I think that most of the pressure towards consolidations comes from big urban counties. For instance we have Butte and Silver Bow county that have been talking consolidation ever since the early 1920s. We have the situation in Missoula where Missoula is just eager for this to all go into effect because Missoula's idea is that they're going to disincorporate and turn everything over to the county. Now, I do know that in one rural area, which is probably among our very most progressive, which is Petroleum County, Winnett is already talking about this disincorporation. I don't know whether they're going to wait until the study is completed or not. Someone here?

US: We already have.

DE: You have a manager, but you still have a city government too, don't you?

US: [unintelligible]

DE: Well, it would be possible in these areas to have just...have nothing but a county government. The problem is in a county that is fairly large and where there are a number of communities, that even if maybe the formal government is a consolidated government of the county, I can see some need to maintain some integrity in each one of those communities even in the communities that that are not now incorporated for instance. It might be that they could participate as kind of a citizen participation groups where they would have some way of looking at their own problems and bringing those problems to the attention of county government. We have the same thing with when you talk about consolidation of schools that the loss of the school basketball team can often be the biggest loss to the community because that might be the only thing that has given that community a sense of identity. Now, they might find something else besides a basketball team, or they might find a way to keep their basketball team even though they join up with another school district. I think the same thing will happen with consolidation.

US: At the beginning of your speech you talked about the House Bill 774. How temporary would that commission on local government be?

DE: Let's see. It would start almost immediately upon announcement. I think they intend to name it, and they hope that it would start functioning maybe by late March or April. It would report to the 1975 legislature next year on matters related to the structure and the powers of government. Then the next year it would work all that year and report on services and local government finance, and I think that it's due to terminate at the end of the...that would be at the end of the 76th legislative session, or else at the '76 election when these forms of government go into effect. But once the new forms of government are chosen, once that election has taken place, then that commission has no need to keep on functioning.

Yes?

US: You were speaking of local volunteers to help with this social work, and you said that different groups—county commissioners, city commissioners—might sponsor these. Would you also include in that Jaycees or a group like this?

DE: I wouldn't say that's impossible, but I think that they have to be responsible to some branch of government. The initial program is being spearheaded by the Human Resources Division in Intergovernmental Relations here, and I think that they're going to fund the first 50. I think that after that the volunteers have to be funded half from local sources and half from the federal program, which means you'd have to have a local group that could put in \$100 a month. My guess is that if the Jaycees or if youth group something like this were interested, it might be possible. I know that they're hoping that some of them will work on bicentennial programs for instance, but here the bicentennial committee would really be a county committee probably.

US: [unintelligible]

DE: I would say that students going to college, unless they were fairly close to home, would have a hard time participating. It will be a part-time proposition. The commission members won't be paid except for their expenses. They'll be paid to go to training meetings, and if it's a large county where they have to come from—say they're on the county commission and they might have to travel 20, 30, 50 miles to meetings, travel expenses would be paid, this kind of thing. But it's going to be a hard-working commission, and I think that college students unless they were pretty close to their own hometown, home are, a would have a hard time participating.

US: [unintelligible]

DE: No. I think that both of them are very sure to pass because the constitution mandates that it must be done, and I don't think that this legislature can leave without having made these provisions. There's quite a little bit of discussion about the details, about how these should be

made up, and about whether all the members should be appointed, or all elected, or how much money they should have for supplies and staff—things like this. But there isn't any real opposition about having the commission.

I'd like to put in plug for one more program that I just learned about the other day, and maybe you know about it already but it's a state funding that our Department of Agriculture has. It's called rural rehabilitation, and they have something like \$1.2 million primarily to loan for a rural rehabilitation programs. Then I've talked with George Lachman (?) about it, and he keeps thinking I'm scheming to find ways of using his \$2 million or his \$1 million and in a way I am. This has been available, and some of you might know this, for junior livestock programs. In other words, if you want to go into the stock raising business, you can borrow money from this fund at 6%. It's also available for farm youth loans for college students, and I think students—farm youth students—can borrow money for 7%. So far, no one's applied for that one. But they have another program where money can be borrowed, and there's a possibility if you have some match of getting some small grants. You might take this back to your local groups because this is quite limited. It's for—

[Break in audio]

Robert Eagle: I have with me Dr. Peter Koehn, who is a member of the Political Science Department at the University of Montana. He is also project director for the Montana Voter Review of forms of local government, which is being done through the Bureau of Government Research here at the University of Montana. Peter, several months had elapsed since Mrs. Eck made the comments that we have recorded on this tape. I wonder if there are some other considerations that occur to you with the vantage point of a few more months of time on this review process.

Peter Koehn: Well, Bob, Dorothy did a very thorough job of covering the House Bill 774 and discussing the review process. I think that perhaps today, a few months later, it's possible to look a little bit further down the route and see some of the things that might be coming up in the next year or so that would be of interest to Montana citizens. Going even beyond the present situation that we face right now where there are many people taking out petitions and running for these commissions, and of course, as we all know if there aren't a sufficient number of candidates for local commissions, then local government officials can appoint to fill the vacancies on these commissions. Now, this part of the process—the deadline is just around the corner now. In fact, it will be a couple of days from today—August 1 the deadline for filing—and then the appointment to the commissions will take place between now and mid-November. The elections will take place at the November election, so the commissions will start work around the middle of November.

I think the thing that perhaps I could talk a little bit more about today has to do with what will go on in the next six months following the November election. I think we now know pretty clearly that these local study commissions will have a limited budget to work with. Their budget

will vary from \$5,000 in the largest cities and counties down to about \$100 in some of the smaller areas, but they'll have some budget at least for travel expenses or printing, perhaps to hire some consultants. They will conduct their studies of their present form of local government and the alternatives that are provided by the State Commission on Local Government.

I think what's critical here is that most almost all—in fact, all of these meetings—will be open to the public, and so the public can attend the meetings of local study commissions. We anticipate that there probably will be public hearings as well where the public is invited to express their own opinions on an alternative form or on the present form of local government that is available to their community. So, for those who are interested, attendance at these public meetings and at the public hearings will be an important citizen function in the coming months. I think perhaps after that the stage will come where the commission will vote or recommend an alternative and that alternative will then be on the ballot. At that point there's going to be a campaign in each of these communities—a campaign for adoption of the alternative form of local government or a campaign to see that the present form is retained. Again, here's another point where citizens will probably want to get involved in the actual campaign process.

From the studies that the staff of our project have done, it seems pretty clear that critical considerations in this campaign are going to be whether or not local officials support any of the alternative form or whether they want to cling to the present form of local government that they now have. It's very important for those interested in change to have the support of local government officials and to have the support of other influential members of the community, particularly the leaders of the two political parties in that particular community. So, I think the outcome of these campaigns, which will occur sometime in 1976, will depend to a large extent on the ability of local study commission members and other interested people in the communities to get the support of local officials behind their plans.

RE: How much interest has there been to date in this review process?

PK: Well, we it's kind of hard to tell at this point because we don't have any firm figures on how many people are going to be taking out or submitting petitions and running for these commissions. It does seem, though, that in the larger areas there is considerable interest, and a large number of people are going to be running for local city and county commissions. But in the smaller areas, it appears that the interest has not been that great, and that many of the members may be appointed by local officials. This is right now, of course, the only indication we have of interest is in terms of who's going to file to run for these commissions.

That brings me to another point though, Bob. One of the things that's going to be going on in the fall and throughout the next year will be a series of public workshops and forums to try to help people get more interested in the local government review process and become more aware of what it means and how they can participate in it. As you know, our project in the bureau will be sponsoring several of these public forums throughout the state and workshops, and these are, again, another opportunity for people in communities to learn more about the process and to participate in it by attending these various functions.

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RE: Well, thank you. Is there anything else you would care to add here regarding this process, or the fact that this is the first time in the country that this has been attempted? As I understand it, there are a lot of people from other states watching to see what happens here because this is the first time a review of this kind has been required for every city and town and county in the state.

PK: That's right, and I'm glad you brought that out because that's always something that Montana citizens should remember and be proud of. I think particularly at this juncture when we're talking about the 200-year anniversary of the republic, it's appropriate to consider that in 1976, we'll be conducting this review of local government forums. I think perhaps I could add, along those same lines, that another thing that will be coming up in the next year will be the state commissions on local government final report to the legislature and legislative enactment of optional forms of local government. What the legislature decides to provide is going to, of course, condition which alternatives are available at the local level, so this will be very important, and we'll have to watch this very closely. We do know at this time that the state commission is recommending on a preliminary basis that local governments have available to them a cafeteria of different alternative forms—a cafeteria that encompasses practically every possible alternative form of local government known in this country, and if that approach is followed then, there will be all kinds of opportunities and tremendous flexibility in the process. I think that is the goal of the state commission. I think it's consistent with the intention of the Constitutional Convention delegates who've supported and passed this article—Article 11 that relates to local government—and I think that this tremendous flexibility and opportunity is very much likely to characterize the review process, which would essentially give the voters a chance to choose any form of local government that is presently available in the United States when review comes about. That, too, would be very unique.

RE: Right, thank you very much for your comments, Peter. We'll all be looking forward to seeing what happens.

PK: Sure, Bob.

[End of Interview]