

# Montana Local Government Structures

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# Devolution of Powers



# Source of Powers



## State

The Montana Constitution  
The U.S. Constitution



## Counties

Article XI section 2 and 3 of the Montana Constitution  
Title 7, Chapter 1, Section 21, MCA



## Municipalities

Article XI section 5 and 6 of the Montana Constitution  
Title 7, Chapter 1, Section 41, MCA



## Special Districts

Various chapters and parts of Title 7, MCA  
Defined in 7-11-1002, MCA

# General vs. Self Governing Powers

## General

Only those powers explicitly granted by the Montana Constitution and those codified in statute.

## Self Governing

Has all powers not explicitly prohibited by the Montana Constitution or current statute. (7-1-111, MCA)

# Counties

## Self-Governing Powers

- 3 Counties
- 2 Commission-Executive Forms
- 1 Commission Form

## General Governing Powers

- 52 Commission Forms
- 1 Manager Form

# Role of the County

## Administrative arm of the State Government

- Tax Collection
- District Courts
- Jails/Detention Centers

## Local governance for unincorporated areas

- Fire Protection and Law Enforcement
- Rural Hospitals
- Limited Zoning and Planning

# Municipalities

- 42 Self-Governing
- 83 General
- 12 Manager forms
- 112 commission
- 1 Town Meeting

~125 in the state

8 Class 1 (Over 10k)

5 Class 2 (5k to 10k)

38 Class 3 (1k to 5k)

74 Towns (<1,000)

# Role of the Municipality

## “Last Mile” services

- Road Maintenance (Snow Removal & Cleaning)
- Sewer and Water
- Waste Collection

## Long Term Services

- Zoning and Building Permits
- Public Health
- Parks and Recreation

# Unified Governments

## Anaconda-Deer Lodge

- Voted to merge in 1976
- Shifted to a Commission-Executive format in 1996

## Both Commission Executive Form

- Unified governments perform the rolls of both a municipal and county government

## Butte-Silver Bow

- Voted to merge in 1976 with a Commission-Executive format

# Special Districts

A unit of local government designed to fulfill a single or limited number of services

Several Thousand in the state

Governed by an “enabling law”

SB 57 from the 2009 session prescribed uniform standards for common special districts

Most districts are defined in 7-11-1002 and enabled by 7-11-1003, MCA

Applies to all districts created after 2009 and any previously existing district that alters its boundaries or the method of assessment

# Role of the Special District



Road Districts



Sewer and Water Districts



Rural Fire Districts



Street Light District



EMS Districts

# Unfunded Mandates

The prohibition on unfunded mandates is prescribed in 1-2-112 – 1-2-116, MCA

Initially passed in 1974 and has been amended several times since

Prohibits bills “...to require a local government unit to perform an activity or provide a service or facility that requires a direct expenditure of additional funds without a specific means to finance the activity, service, or facility...”

Can be superseded if the bill explicitly states as much

**“Section 2.** Unfunded mandate laws superseded. The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116.”

# Voter Review



[Article XI, Part XI, Section 9](#) of the Montana Constitution calls for a voter review every 10 years



[7-3-171](#) through [7-3-193, MCA](#) outlines procedures and requirements



Study commissions are initiated, and commissioners selected, by vote



Commissions have defined duties, powers, and public engagement requirements



Timeline includes public hearings, tentative reports, and a final report



Final report may recommend changes or no changes