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MONTANA CONSTITUTIONAL CONVENTION
STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

LOCAL GOVERNMENT COMMITTEE

Place of Meeting: Room 437

Date Meeting Held: 1/29/72
Hour Meeting Held: 10 a.m.

Committee Chairman: Oscar L. Anderson

MINUTES OF THE NINTH MEETING OF THE LOCAL GOVERNMENT COMMITTEE

SUBJECT OF MEETING:

Roll Call:

Anderson, Oscar L., Chairman	<u>Present</u>
Blend, Virginia H., Vice-Chairman	<u>Present</u>
Arness, Franklin	<u>Present</u>
Ask, Thomas M.	<u>Present</u>
Erdmann, Marian S.	<u>Present</u>
Jacobsen, Arnold W.	<u>Present</u>
Payne, Katie	<u>Present</u>
Rollins, George W.	<u>Present</u>
Simon, Clark E.	<u>Present</u>
Sparks, M. Lynn	<u>Present</u>
Speer, Lucile	<u>Present</u>

INTERESTED PERSONS TESTIFYING:

<u>Name</u>	<u>Occupation or Title</u>
George Turman	Mayor of Missoula
Jean B. Ellison	Superintendent, Meagher County
Roy Crosby	Citizens for Constitutional Government
Ethel M. Harding	Clerk & Recorder, Lake County
Charlotte L. Wilhelm	Elmo, Mont. Observing
Kathleen Turman	Observing
Pat Petty	Observing
Judith Carlson	Helena, Observing
Jack Carlson	Helena, Observing
Dennis Curran	Lee Newspapers
Dan Mizner & Tom Phillips	Mont. League of Cities and Towns
Dr. Thomas Payne	Observing
J. Mason Melvin	Delegate
Don Walchek	Observing
Mr. & Mrs. Gary Graham	Observing

The Chairman opened the meeting by stating that next week we will start to discuss the Delegate Proposals and they will be listed on the bulletin board.

Mr. Holloron has been advised by Mr. Aasheim, Chairman of the Legislative Committee, that that Committee's tentative proposals will delete Article 5, Section 26 and Section 31. He distributed a copy of the Pennsylvania Article on local government (Exhibit A), and said he would try to get copies of articles from other states.

Mr. J. Mason Melvin, Delegate from Bozeman, made the following statement: "After 20 years, ending in December of 1970, I retired from the FBI. I was sheriff of Valley County, Glasgow, for 4-1/2 years. I am here to speak to you in behalf of elected sheriffs. The basis for my feeling is that the position is skilled, or semi-skilled, and more of a policy-making position than all the other county offices. I think that in considering this the Committee would be well-advised to decide whether they wish to have policy decided by the voters or by the Board of Commissioners, who might appoint sheriffs. We usually get what we pay for but I feel that actually Montana gets more than it pays for in law enforcement. The job is hazardous. It makes it a little different because the sheriff is called on to perform duties that are hazardous as well as over-time, and doing additional work that doesn't always come in the law enforcement field. In 1959 Bozeman established the Montana Law Enforcement Academy. It has been operated by a committee composed of representatives of the county commissioner's organization, the Attorney General's Office, and several other offices. During that time there have been a number of sheriffs

as well as others attending this academy to try and better law enforcement in Montana. At different times in Montana there have been suggestions made that if we make the highway patrol a little stronger we could develop a state police. I doubt if we want that because then policy making goes from the local level to the state level. I think that in view of the fact that the Patrol has been placed under the Attorney General, this will further centralize power of the police." The Chairman asked him to restate his idea, "I recommend that the Committee choose election of sheriffs in opposition to appointing them, and this should be in the Constitution." A question and answer period followed Mr. Melvin's testimony.

Mr. George Turman, Mayor of Missoula, submitted and read his prepared statement (Exhibit C). He stated, "I hope your efforts produce a clear, brief document, uncluttered by any listings of any county or local officials." He said the following proposed section summarizes his idea of a good section:

Each political subdivision or combination of political subdivisions of the state shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures, however, shall not require the approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative, and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A question and answer period and discussion followed Mr. Turman's testimony.

Mrs. Jean B. Ellison submitted a prepared statement (Exhibit D). She is the Meagher County Superintendent (White Sulphur Springs).

The meeting recessed at noon, to reconvene at 2 p.m.

The Chairman read a statement from Elmer Schwock, a representative from the Montana Association of County Superintendents (Exhibit E), one from Loretta Wirtala, Montana Association of County Superintendents (Exhibit F), one from Thelma Shaw, Clerk and Recorder from Columbus (Exhibit G), and mentioned that there are two letters from John Finnegan for the Committee to read.

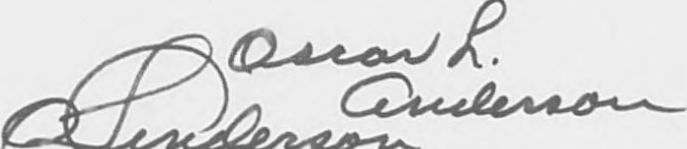
Mrs. Payne moved that we write to the County Officials and tell them that if their names are removed from the Constitution they are still protected in the Codes and will be elected. After some discussion Mrs. Payne agreed to postpone the motion.


Mr. Roy Crosby, Citizens for Constitutional Government, distributed his statement and read same (Exhibit H). A short question and answer period followed.

The Chairman mentioned that we have Delegate Proposals 5, 6, 9, 17, 23, 40, 54, 56, and 60 in the Committee and we will start to discuss them Tuesday at 10 a.m.

There being no further business, the meeting adjourned.

Time of Adjournment: 2:45 p.m.


OSCAR L. ANDERSON, Chairman


PAT ROMINE, Secretary