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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: 2/8/72

Hour Meeting Held: 9:45 a.m.

Committee Chairman: Oscar L. Anderson

MINUTES OF THE SIXTEENTH MEETING OF THE LOCAL GOVERNMENT COMMITTEE

SUBJECT OF MEETING: Delegate Proposal 97 and Amendments

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> |
|---------------------|----------------------------|
| Mrs. James Snow | Observing |
| Mrs. Dayton Kolstad | Observing |
| Mrs. George McCabe | Observing |
| Wilbur McKinney | Observing |
| John Ray | Observing |
| Thomas Snyder | Observing |
| Mrs. Thomas Ask | Observing |
| Dean Zinnecker | Observing |
| Dennis Curran | Observing |
| Frank Adams | Observing |
| John Hauser | Observing |

There being no additions, corrections, or deletions to the minutes from the thirteenth meeting, they were approved.

Mrs. Blend read a letter from Robert F. Henshaw, Society of Engineers, Missoula, regarding surveyors.

The Committee considered amendments to Delegate Proposal 97, which are attached. Exhibit A, submitted by Dr. Rollins, was discussed. Exhibit B, submitted by Mr. Ask, was discussed. Exhibit C is Mr. Holloron's suggested amendments.

Mr. Anderson moved that initiative, referendum and recall, Section 3 (5), be deleted from the Article and Delegate Proposal 97. After some discussion he amended his motion to table rather than delete until tomorrow so the Committee could see if the General Government Committee has included it in their article.

Mr. John Ray made a short statement to the Committee. He thinks that we should leave as much power in local governments as possible.

Dr. Rollins moved that the statement he prepared (Exhibit A) beginning with "one alternative form" be substituted for Mr. Ask's statement beginning on page 2 with "provided that." After some discussion Dr. Rollins agreed to hold his motion until Mr. Ask and Mr. Holloron have redrafted the proposal to include certain provisions.

John Hauser made a short statement to the effect that local governments should have options offered to them.

Mr. Ask read a suggested new Section 3 to the Committee. It was agreed to incorporate it in a draft for the Committee to consider this afternoon.

The Committee recessed at 11:52 to reconvene at 4:30 p.m.

Mr. Holloron stated that he conferred with Gardner Cromwell and they found drafting problems in the new draft. One problem is in saying "Each county shall continue to operate and function under the structure of government in existence at the time this constitution is adopted" etc., without setting out what that means. The other problem is he thinks if we do say this, it should come first in the Article. There was some discussion on this.

Mr. Arness moved that the Committee approve as the entire Article on Local Government Section 7 of Article 16 in the present Constitution and that all other sections be deleted and that this Committee rise and report so to the Convention. After some discussion, Mr. Ask requested a roll call vote. Those voting YES were Mr. Arness, Mrs. Payne, and Miss Sparks. Those voting NO were Mr. Anderson, Mrs. Blend, Mr. Ask, Mrs. Erdmann and Miss Speer. Motion failed.

Mrs. Payne moved we substitute the following for Section 3 in Delegate Proposal 97: "The legislative assembly shall, by general or special law, provide plans, kind, manner or form of municipal government for counties, or counties and cities and towns, or cities and towns, and whenever deemed necessary or advisable may abolish city or town government and unite, consolidate or merge cities and towns and county under one municipal government." Mr. Ask requested a roll call vote. Those voting YES were Mrs. Payne, Miss Sparks. Those voting NO were Mr. Anderson, Mrs. Blend, Mr. Ask, Mrs. Erdmann, and Miss Speer. Those PASSING were Mr. Jacobsen and Mr. Arness.

Mr. Anderson moved that the meeting adjourn.

Time of adjournment: 5 p.m.

OSCAR L. ANDERSON, Chairman

Pat Romine
PAT ROMINE, Secretary