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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: 2/15/72

Hour Meeting Held: 7 p.m.

Committee Chairman: Oscar L. Anderson

MINUTES OF THE TWENTY-SECOND MEETING OF THE LOCAL GOVERNMENT COMMITTEE

SUBJECT OF MEETING: Formal Hearing on Majority and Minority Proposals

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>
Senator Gordon McOmber	Fairfield
Mary C. Holt	Augusta
Laurence G. Bjorneby	Mayor - Kalispell
George L. Schroeder	Mont. County Treasurer's Assoc.
John McLaughlin	Mayor of Great Falls
James D. Moore	Missoula
Roberta B. West	Chinook
Robert A. Mitchell	Missoula Interlocal Cooperation Comm.
Fern Hart	League of Women Voters
Earl Daley	Mont. Assoc. of County Commissioners
Dave Drum	Delegate
James R. Felt	Delegate

The Chairman introduced the Committee members and staff, and mentioned books written by Miss Speer and Mr. Holloron.

Mrs. Blend gave a report regarding Delegate Proposals and Citizen Suggestions which is attached.

The Chairman then read a list of terms and asked the delegates to be familiar with them so as to better understand our article. They are: Dillon's Rule, inherent and implied powers, corporate and proprietary functions, governmental powers and functions, residual powers, home rule, charter methods and routes, self-executing charters, charter by initiative and referendum and through the state legislative process.

Mr. Ask gave his report on the majority proposal. He stated that the intent and philosophy of the majority report is flexibility, accountability, curtailment of duplication of functions, and local control. He mentioned that the present Constitutional Article on Local Government has 1500 words and the proposed Article has 500. Mr. Ask went through the proposal section by section, explained it and made some changes in it which are shown on the attached Exhibit A.

Mr. Arness then gave the minority report (Exhibit B). He stated that the present structure is fragmented, overlapping and thoroughly confusing and would continue so under the majority proposal. The minority report would provide a one-level government unit to replace the present pattern of counties, cities and towns, special districts and school districts. These districts would have full governmental authority except that the Legislature could provide for reasonable uniformity among them. Mr. Arness emphasized that the district plan would not be imposed on any county against the

popular will. He said in conclusion that any modification of the present local government article should be made from considerations of functional need based upon observation of existing conditions in the state. The minority proposal attempts to postulate a theory of effective, efficient administrative law based upon current conditions of life. It recognizes the role of the federal government in local affairs and provides a means by which local democracy may retain control over local functions best performed by government units close to the people.

Senator McOmber made a short statement to the effect that he thinks there are several areas in the present Local Government Article that need improving but for the most part, the people of the state are satisfied with it as it is. He suggested that Section 5 of the majority proposal be changed to read "majority of each unit voting on the question." He also expressed dissatisfaction with Section 10 of the majority report. He is not in favor of the minority proposal because he thinks it would take local people out of government and replace them with professionals.

Delegate James R. Felt testified next. He discussed Delegate Proposal 40, which was the recommended Local Government Article by the Constitutional Revision Commission. He supports the minority proposal because it meets the needs of the people and he thinks it would have their approval. Mr. Felt also said that counties are expensive forms of government because of the decline in population in most areas.

Delegate Dave Drum testified in favor of the minority proposal. He said that he is in favor of using the districts set up by the Governor and the Department of Planning and Economic Development.

Mrs. Roberta West, representing herself, testified next. Her prepared statement is attached (Exhibit C).

Mr. Robert Mitchell, Chairman of the Interlocal Cooperation Commission in Missoula, read his prepared statement (Exhibit D).

Mr. Laurence Bjorneby, Mayor of Kalispell and President of the Montana League of Cities and Towns, suggested a change in Section 10 (Exhibit E), but otherwise stated that he was in favor of the majority report.

Mrs. Fern Hart, representing the League of Women Voters, read her statement (Exhibit F).

Mr. Earl Daley, President of the Montana Association of County Commissioners, read his statement (Exhibit G).

Mr. John McLaughlin, Mayor of Great Falls, explained his statement (Exhibit H).

Mr. James Moore, author of Delegate Proposal 56, and law student at the University of Montana, made his statement (Exhibit I).

Mr. George L. Schroeder, Cascade County Treasurer, President of the County Treasurer's Organization and one of the officers of the Montana Elected County Officials Association, testified in favor of the majority proposal.

Mary C. Holt, resident of Augusts, testified that she believes local government officials are unresponsive, etc. She feels that the majority report could include a board of advisors from unincorporated towns to the County Commissioners. She stated that she thinks the minority report might be a more workable plan. Unincorporated communities have problems and need some recognition and measure of participation in decision making.

A question and answer period followed during which the delegates asked questions regarding the majority and minority proposals. Mr. Ask and Mr. Arness answered these questions.

There being no further business, the meeting adjourned.

Time of adjournment: 9:25 p.m.

OSCAR L. ANDERSON, Chairman

PAT ROMINE, Secretary