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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: 2/16/72
Hour Meeting Held: 9:45 a.m.

Committee Chairman: Oscar L. Anderson

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

SUBJECT OF MEETING: Majority Proposal

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>
Ann Cohn	Great Falls, Observing
Mrs. Wade Woodring	Observing
Mrs. Clarence Ritter	Turner, Observing
Mrs. Dean McFadden	Inverness, Observing
Robert A. Mitchell	Missoula Interlocal Cooperation Comm.
Dale Harris	Convention Research Coordinator

The minutes of the twenty-first meeting were considered and approved.

The Chairman mentioned that the meeting with the County Commissioners has been changed to 3 p.m. today in the Highway Auditorium.

Mr. Anderson read a telegram from Margery Brown which is attached (Exhibit A). A letter from Representative Vic East was explained by Mrs. Blend and inserted in the record (Exhibit B).

Mr. Robert Mitchell came before the Committee to testify on two points in the majority proposal; the inclusion of a structured form (listing officials in Section 3), and the description of powers. He said the problem with powers is that if local governments are granted powers by charter and begin to abuse them, then the Legislature has a problem in how to deny or take them away. He also thinks there are inconsistencies in Section 4, Section 5 (2), and Section 6; they are in conflict with each other. Mr. Mitchell answered questions from the Committee.

Mr. Dale Harris then appeared before the Committee to suggest areas in which we might have problems. He mentioned several inconsistencies and the Committee discussed them.

The Committee recessed at noon to reconvene at 1:15 p.m.

Mr. Arness announced that there is no longer a sufficient number of people to sign the minority proposal; therefore he is withdrawing it.

Roll call votes were taken on each section of the proposal (Exhibit C). The new draft article as agreed on is also attached (Exhibit D).

Dr. Rollins moved that Section 1 be adopted as it is. After some discussion, the motion carried.

Dr. Rollins moved that Section 2 be adopted as it is. Motion carried.

Mr. Ask moved to add clerk of district court and county attorney to Section 3, second paragraph. After some discussion, the motion carried. He then moved adoption of the section as amended and the motion carried.

There was a long discussion on Section 4. Mr. Holloron read suggested language for it, and the Committee concurred. Dr. Rollins moved that Section 4 be adopted as amended, and the motion carried.

Dr. Rollins then mentioned a suggestion from Mr. Graybill that chartering powers be limited to cities of a certain size. Mr. Arness moved that we add "having a population of 25,000 or more" to this section. Motion defeated. Mr. Ask moved that Section 5 be adopted without population limit and with changes discussed yesterday. Miss Speer made a substitute motion to amend that by striking the rest of the section after the words "statutory provisions." The substitute motion carried.

Mr. Ask moved adoption of Section 6 as it is. Miss Speer made a substitute motion to leave the last sentence out of the section. The substitute motion carried.

Dr. Rollins moved that Section 7 be adopted with the addition of the material deleted from Section 4 regarding revenue sharing. Mrs. Erdmann made a substitute motion that this material be inserted as a separate section. The substitute motion carried. The vote was then taken on the original motion without this material. Motion carried.

Mrs. Erdmann then moved to include the material regarding revenue sharing as Section 8. Motion carried.

Dr. Rollins moved that the old Section 8 renumbered Section 9 be adopted. This was discussed at length, then the vote was taken. Motion carried.

Mr. Jacobsen moved that the old Section 9, renumbered Section 10, be adopted as it is. Motion carried.

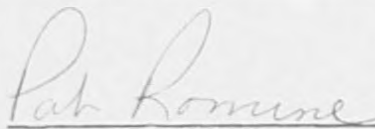
Mr. Ask moved adoption of the old Section 10, renumbered Section 11, and the motion carried.

The Chairman appointed Mr. Ask to check the draft after it is retyped with the changes agreed upon today.

There being no further business, the meeting adjourned.

Time of adjournment: 3:05 p.m.


OSCAR L. ANDERSON, Chairman


PAT ROMINE, Secretary