

MONTANA CONSTITUTIONAL CONVENTION

1971 - 1973

PROPOSED CONSTITUTION

TO BE

SUBMITTED TO

VOTERS ON JUNE 6, 1973

See the Yellow pages attached to this Constitution
for comments on HOW THIS CONSTITUTION WILL
EFFECT YOU!

Published by ROY G. CROSBY JR.,
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GOVERNMENT

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CITIZENS for CONSTITUTIONAL
GOVERNMENT

HOW DOES THE NEW CONSTITUTION EFFECT YOU?

Would you allow someone to draw up a contract to allow someone to run your business without looking into the contract provisions? Would you sign that contract on the approval of the drafter? Then why should you sign your vote for such a contract between you and your government without reading it and deciding whether it is good or bad?

The "NEW" Constitution will be a contract between you and your government, irrevocable, binding, and obligatory to each and everyone of us alike.

Would you sign any such business contract if there was something in it that was repugnant to your thinking? Would you, even if there were some good points in the contract, accept the repugnant portions without question?

Then why should you accept the "NEW" Constitution just because it has some good points contained in it? Wouldn't it be wiser to investigate and be your own judge about all contracts which obligate you for many years to come?

It is with this thought in mind that we point out some of the things which we feel to be repugnant to our thinking. The wording of any contract is very important. It is the basis on which the contract will be enforced if it is ever brought to question. The wording of several things in the "NEW" Constitution is very ambiguous and interpretative. Some of the provisions contained in the "NEW" Constitution are impossible to enforce. Some are ambiguously worded so as to open the door and allow your freedom of choice to be usurped at a later date without your vote.

Examine the "NEW" Constitution for such phrases as: "EXCEPT AS THE LEGISLATURE PROVIDES;" "as the law provides"; "The LEGISLATURE SHALL PROVIDE..." and so on. These are not spelled out, but are left up to the legislature to provide in the years to come. Anything considered to be a right must be free from any such exceptions. Once it is placed within the hands of the Legislature to provide, it is no longer within your power to control what happens or how you are to be governed if by force or coercion. We must be allowed the absolute right to vote on issues which we feel it to be necessary.

Some may feel that we are advocating a complete Democracy. We are not! We feel that any absolute Democracy would be a perennial fraud. However, we do advocate that we retain a Union of a Republic with a built in Democracy (The right, of the people, to force any issue to a vote of the people) exercised at the FREE will of the people.

The Constitution is a contract between the people and their government. The people grant certain powers to government and the people reserve certain powers to the people. It is not the state that is sovereign, but the people. The sole and exclusive right to govern ourselves should never be surrendered to government. This "RIGHT" should not be allowed to become so encumbered as to render it a futility. In the following pages we will bring certain points to your attention. It will be up to you to approve or disapprove and to vote accordingly.

IMPRISONMENT FOR DEBT:

"No person shall be imprisoned for debt EXCEPT IN THE MANNER PROVIDED BY LAW, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud."

COMMENTS: "except in the manner provided by law", could be dangerous. The constitution should protect the citizen in more definite words than this. This could be used to confiscate your property by a presumption of fraud. The law is now in existence that makes it possible for someone to be imprisoned for fraud. This we would agree with; However, the imprisonment should be for fraud after due process of law. It should never, under any circumstance be for the debt. And by all means it should not be until after conviction in a court of law and after due process of law.

GENERAL GOVERNMENT:

Sec.1. (Separation of powers) "THE POWER OF THE GOVERNMENT OF THIS STATE IS DIVIDED INTO THREE DISTINCT BRANCHES -- legislative, Executive, and Judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, EXCEPT AS IN THIS CONSTITUTION EXPRESSLY DIRECTED OR PERMITTED."

COMMENTS: "Except as in this constitution expressly directed or permitted" leaves room for question. Have the drafters and framers of the 'NEW' Constitution allowed the checks and balances of our system to be deleted and overlapped? We contend that they have and that this phrase is to prohibit any challenge to court interpretation of usurpation of powers not rightfully belonging to any one separation. Examine some of the matters, contained in the "NEW" Constitution. Especially in the local government sections. Those who are in the administration departments of local government may exercise powers of legislation never before exercised. (We will get to that later in this commentary study).

INITIATIVE:

"The people may enact laws by initiative on all matters except appropriations of money and local or special laws."

COMMENT: Is there anything left? Can you name any law which could not be placed within the requisites of this provision? What law could not be classed as a local or special law?

REFERENDUM:

"..... Shall be signed by at least five per cent of the qualified electors in each of at least one-third of the Legislative representative districts and the total number of signers must be at least five percent of the TOTAL QUALIFIED ELECTORS OF THE STATE. A referendum petition shall be filed with the secretary of state no later than six months after adjournment of the legislature which passed the act."

COMMENT: Doesn't this strike you as being a bit cumbersome and impossible? Do you realize how many signatures it would necessitate or the short time allowed to get the job done?

We might also point out that any act referred to the people is in effect until suspended

petitions signed by 15% of the qualified electors in a majority of the legislative representative districts. Half of the representative districts would be half of the state of Montana. Five percent, the signatures necessary for referendum, should be sufficient to suspend any act of the legislature until the matter is brought to a vote of the people. In order to stay the execution of the legislative act one would have to obtain one petition with five percent of the voters in one third of the Legislative representative districts and another containing 15% in over half the Legislative Representative districts. NOTE: These sections are not binding upon measures contained in sections contained in article 14 of this "new" Constitution. The requirements get tougher as they go. Read the article.

GAMBLING: "Section 3." There is some ambiguity in this section requirement. "All forms of gambling, lotteries, and gift enterprises are prohibited." Then on the ballot the people are asked to approve this constitution or reject it. They are also required to decide the issue on gambling. If they pass the constitution forbidding gambling, what effect would this have upon passage of the gambling measure on the ballot? They forbid gambling by their passage of the constitution and then they allow gambling by the measure on the ballot.

SUFFRAGE AND ELECTIONS:

Section 1. "All elections by the people shall be by secret ballot." What would this mean in the primary elections in Montana? Is it a secret ballot when one must vote the split ticket in the primary? When designating your party choice in the primary election one no longer enjoys a secret ballot. Only when one can vote in total secret could it be termed a secret ballot. To be forced to designate the party vote is to destroy the secret ballot.

Section 4 allows the legislature to provide for "poll-booth registration" this could create some problems also.

Section 5. "Result of Elections" shouldn't it state "In all elections held by the people, the person or persons who have otherwise qualified under the provisions of this constitution receiving the largest number of votes shall be declared elected". There could always be the question of a winner under the present wording. This ambiguity is also contained in the "NEW" Constitution. There is also the question: If the majority of the people vote for any one candidate, would he (constitutionally) need any other qualification? The people reserve the sole and the exclusive right to govern themselves. Doesn't the right include the right to choose who they wish to govern them?

LEGISLATIVE: This section of the "NEW" Constitution is so confused and in such a state of chaos (not to mention the subject of a unicameral legislature) that I hesitate to attempt to justify or condemn this article. Under such provisions, I hate to think of any chance of unity and order under such provisions.

EXECUTIVE:

None of the duties of any executive officials are defined by the constitution. All such duties are left up to the law. This means that it is up to the legislature to define their duties. If the constitution does not define their duties, how could the people enforce the officials to do anything. The legislature could delete all the duties of elected officials and place their powers and duties within the jurisdiction of appointed officials. Check the "NEW" Constitution for the enumeration of powers and duties of the Governor, the Lieutenant Gov., the secretary of state, the attorney general and the superintendent of public instruction.

...that existing rights in the use of any waters for any useful purpose are hereby recognized and confirmed."

Now does that sound good? Let's read on and see just how good it really is.

Section 3. Sub-section 3. "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law."

Let us take a closer look at the wording. Remembering that the words of the English language are defined in any good dictionary; "PROPERTY OF THE STATE" means the state owns the water. (NOTE: this is an impossibility in the first place. If the state owned the water it could shut off the Missouri River and not allow any water to flow down the channel of the river. Let Montana try that some time! We would be at War with the United States in a minute.) However, if the state owns the water, as this "NEW" Constitution states, "for the use of its people"; the state controls the water. we are only allowed to use it so long as the state allows it to be so. If I bought a new car for your use, does that mean that you had a right to that car? No! It means that I have bought a car and will allow you to drive it so long as I think you are deserving of the privilege. But there is nothing to stop me from revoking your right to drive that car. The same with the water of the STATE.

Another point We would like to bring out is the interpretation and the arbitrator in all water disputes in the state. Section 3. Sub-section 4 states; "The Legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records....." Underlining added by us. Do you know what a right is? It is the "spelled out" right of an individual or group of individuals not subject to legislation or additional laws and regulations. A right is the absence of government. When government controls, it is only a privilege. NOT A RIGHT. With the legislature in control of all provisions concerning water rights, the courts have nothing to do but to rule on the law as it is layed down by the legislature. This could delete your right in its entirety.

There is another problem about this type of legislation. We question the power of this constitution convention to make such provisions in the first place. It must be admitted that the Convention assembly is a legislative body making laws, for the future, under which we must live. The present constitution, while granting powers to revise or alter the constitution, prohibits any legislative body from passing any law impairing the obligation of a contract. Many people buy property with a water right attached. The water right is a tangeable value under contract with the sale of the property. Now, along comes the state and claims the water. wouldn't you say this was a law impairing your contract? The state Supreme court has ruled that "Any law which changes, alters, or creates additional restrictions of a contract, whether between the state and an individual of the state or between two or more individuals comes within the requisites of this section of the present constitution". The court went on to state: "The degree of the impairment is immaterial".

EDUCATION:

Read the article on Education and examine it closely. It grants all powers to the government to enter Montana's schools into government programs without a vote of the people; It is designed so as to leave it up to the officials to decide on taxation and funding for the schools; It has a tendency to move all school taxes from local levels and place them at the state and federal levels;

EDUCATION CONTINUED:

The new article allows for intergovernmental cooperation in all educational matters. This section does not limit this cooperation to city, county, or state levels. The first thing we know, we will be involved with UNESCO and the U. N. on National and International levels. Think about it before it is too late.

We argued against the deletion of the Superintendent of Public Instruction from the Constitution. We won the argument, but I notice the "NEW" constitution strips all powers from the Superintendent of Public Instruction and places these powers under the appointed boards of education. The Superintendent of Public Instruction becomes an Ex-Officio non-voting member on the board. Check it out for yourself. Read the "NEW" Constitution.

LOCAL GOVERNMENT:

Read the article on local government carefully. There are several tricky "door-opening" phrases contained in this article.

Section 2. "Counties: The counties of the state are those that exist on the date of ratification of this constitution. No county boundary may be changed or county seat transferred UNTIL APPROVED BY A MAJORITY OF THOSE VOTING ON THE QUESTION IN EACH COUNTY EFFECTED." (Underlining added)

COMMENTS: This is tricky. It has hidden interpretations if someone should decide to use them at a later date. The vote of the people could be circumvented. "Those voting on the question" could be the city council or the County Commissioners. You do not think so? Read the next section.

Section 3. FORMS OF GOVERNMENT. "The Legislature shall provide methods for governing local government units and procedures for incorporating, clarifying, merging, consolidating, and dissolving such units, and altering their boundaries."

COMMENTS: Suppose the legislature should decide to allow these things on the majority vote of the city council or the county commissioners? It could still be done by those voting on the question in the counties affected! It depends upon the interpretation and those who do the interpreting.

Section 3 continues: "The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question."

COMMENT: Again the legislature could pass tricky legislation which would allow this to be done without a vote of the people.

GENERAL POWERS OF LOCAL GOVERNMENT.

The "NEW" constitution grants powers to the local units of government that are limited, not by the people, but by the legislature. The people not being able to control the legislature must submit to whatever power the legislature wishes to grant to local units of government.

Section 5. SELF GOVERNING CHARTERS. "The Legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question." We feel that it should be spelled out more concisely.

COMMENTS: If we examine section 3 and sub-section 5, we will see some more of the dangerous powers granted in charter forms of government. "Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions." Underlining added.

COMMENTS: The laws on the books could be circumvented to an extent that would make slaves of all of us. Your property could be taken under heavy taxation. Your laws could be done away with to the extent we would have a complete chaos in Montana.

As a result of this, the people, to help it all off they came up with another one.

LAST: STAINS AND ASSISTANCE.

The last stain is a necessary part of the operation. However, this article has a broad and blanket type coverage. Not applying to the mentally ill or the insane, the article covers all those who need assistance from state institutions and rest homes or hospitals.

Section 2. Sub-section 2. "Persons committed to any such institution shall retain all rights except those necessarily suspended as a condition of commitment."

COMMENT: This could mean anything. The exception in this article is so broad that it could contain hampering provisions that fit right in with the Genocide Treaty of the United Nations. Anyone could be committed and then done away with by a political measure of extermination. The rights of the individual mean nothing under such a broad provision. No right to an attorney; No right to a court hearing; No right to due process of the law; and No right to appeal. Could you picture such a constitution being compatible with a free people?

In conclusion, we urge you to study this constitution and think about it. Are the few good things worth the endangering of your future in such a catastrophe? This is a potential contract which you will sign by your vote. Is it compatible with your thinking?

Let us not think in terms of money saved or spent on the convention. Let us think in terms of what it will do to our State and how it will effect you and your children. We are not necessarily wasting the money spent on the convention. We could always use the referendum process and steal their carrot off the stick without having to accept the stick.

The Bill of Rights is a sound Bill of Rights but it has been deleted by the rest of the constitution. The Bill of Rights Committee did do a good job of writing a constitution. We Object to only one or two small issues contained in the Bill of Rights. We are not completely satisfied with it, however it is not so repugnant that we would defeat the constitution over it. The rest of the constitution is an unsound document. It has been designed for the government and not for the people. Read it carefully and find out for yourself. Do not take our word for anything.

CITIZENS for CONSTITUTIONAL GOVERNMENT

ARTICLE 1
LOCAL GOVERNMENT SHALL HAVE AND RETAIN ALL RIGHTS AND PRIVILEGES

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IN CONCLUSION WE ARGUE:

We contend that the Constitutional Convention was voted upon by the people of Montana. The people, by voting for the holding of a convention gave consent to, and set in motion, a procedure having as other aim than the deliberate restructuring and reordering of the Montana government.

The delegates tossed aside its mandate to revise, alter and amend our present Constitution. Instead, a whole new Constitution was written. The new Constitution is designed to promote a new "classless society" socialist government. The new Constitution is an assault on individual, private property, freedom of choice, local government and the free enterprise system in general.

The contents of the new Constitution are profound and unprecedented changes which destroy the people's present Constitutional power to control their government. The proposed constitution, in order to carry out the intent to overthrow Montana government, delegates **ALL AUTHORITY TO THE STATE**. The result: **CONFISCATION BY CONFISCATORY TAXATION, UNLIMITED SPENDING AND METROPOLITAN REGIONAL GOVERNMENT**. Under such a government, **GOVERNMENT BECOMES THE MASTER - THE PEOPLE ITS SERVANTS**. Without limitations, why have a Constitution?

The proposed Constitution grants control over the government to the government. Such power has been removed from the people, as the power of taxation is siphoned off by the state. The burden of taxation, it is promised, will be shifted from private property to income. This is necessary in anticipation of the tax exemption to be given to the property used for low and middle income housing and environmental control. Grants of power for taxes: the powers have been left up to the Legislature to decide. "Home Rule" units of government will be permitted to expand licensing powers and to license for revenue instead of regulation. Home Rule units of government will be allowed to impose taxes and incur debt for special area-wide services. Because of the increased provisions concerning initiative and referendum measures, the people have no method by which they can stop the government once this constitution goes into effect.

UNLIMITED SPENDING

/ The people's control over spending is destroyed. Mandatory referenda and debt limitations are eliminated. Deficit spending and anticipation warrants are constitutionalized.

1. The present constitutional debt limit based on the assessed value of the property of the state is eliminated on county, city, and school districts have been eliminated.
2. The \$100,000 ceiling on State debt is eliminated.
3. The present constitution prohibits the state assuming or becoming responsible for the debt or liabilities of, or in any manner give, loan or extend credit to, or in aid of any public or other corporation, association or individual.

The new constitution allows this to be done so long as the state controls the unit receiving the credit or funds.

ARTICLE XI

LOCAL GOVERNMENT HOME RULE AND METROPOLITAN REGIONAL GOVERNMENT

Article XI Local Government is typical of the deliberate misuse of words to conceal the real intent of the proposed Constitution. The truth is: Article XI is used to overthrow the Montana government. It Constitutionalizes Metropolitan Regional government.

METROPOLITAN REGIONAL GOVERNMENT is the elimination of traditional units of local government (cities, villages, towns, townships, counties, school districts) and the replacement with a unit of government encompassing the whole unincorporated area - bypassing state lines if necessary. It is the centralizing of authority in the hands of appointed regional commissioners.

AUTHORITY OVER EDUCATION

Control over the child is removed from the parent. The state is granted complete control of the child by the authority to provide for education institutions and services. This is to include physical and mental health. How else could they provide the intellectual, psychological, social and spiritual needs of the child?

In order to implement this program, the state is granted authority to finance all education - destroying local control over schools. Total power is granted to an appointed state board of education to provide for the educational development of all persons to the limits of their capacity (Schemes, pre school centers, elementary, secondary, Jr. and Sr. colleges, adult education) All at the expense of the taxpayer.

BALLOT RECOMMENDATIONS

There will be five separate votes on the Constitution - a vote on the Constitution itself, and four issues which were not put into the body of the proposed constitution for several reasons. In some instances the radicals just couldn't muster up enough votes to put them into the body of the document - not because the majority of the delegates were not in favor of the issue but, because of the fear of a total defeat.

A way of life is at stake here in Montana. We cannot send young men to Vietnam to fight and perhaps die and then permit a coalition of SOCIALIST-ORIENTATED POLYICIANS, BUSINESSMEN AND PLANNERS to "overthrow" our form of government.

Each of us must become a committee of one to do everything possible to defeat the proposed constitution.

WHAT MORE CAN WE SAY OR DO?

We could tell you where this idea originated in the first place! The Council of State Governments drafted a Bill, H. R. 2519 which passed in Washington, and provided a nice little carrot on the stick. A copy of this bill is contained in this report. The Council of State Governments also drafted a "1,600 page" book of prefabricated laws to be introduced to all state legislatures. But the real carrot was the \$250,000.00 given to any state which decided to go along with the program of reorganizing the Executive Department; Revise the state Constitution and accomplish all the little goodies called for in H. R. 2519.

Montana accepted the \$250,000.00 and we are now obligated to carry out the program. Read this Bill and decide for yourself. It is all there. Then you will know why the Governor of Montana has spent so much time in Washington bargaining for money under the State Revenue Sharing Program. H. U. D. has paid part of the Bill to promote the Reorganization referendum on the ballot in the last election; H. U. D. is now throwing in \$30,000.00 more to sell the Constitution to the Montana people. It is all wrapped up in a conspiracy to make you think that it was your idea in the first place. (See H. R. 2519 on the next page. Read it carefully and compare with the Constitution and the remarks of Mr. Crosby, contained on the Yellow pages of this report.

BLOCK GRANTS TO STATES WITH MODERN GOVERNMENTS PROGRAM

States with Modern government programs qualified by both the regional coordinating committees and by the COMMISSION ON INTERGOVERNMENTAL RELATIONS as reflecting "sufficient" these creative initiative as to qualify that were for FEDERAL BLOCK GRANTS would begin receiving payments in 1972, or at the latest by 1973. They would receive unrestricted Federal grants from the \$5 billion a year, 3 year authorization by the bill.

The funds would be distributed according to population, with not to exceed 20 percent for supplements to those states having a low per capita income; a high degree of poverty, dependency, or urbanization; and State tax effort as indicated by the amount of State and local taxes relative to personal income.

The authorized amount of \$5 billion annually—congressional appropriations could be less, of course—depending upon economic conditions and the degree of participation by the states—is approximately equal to the 2% of individual income suggested by Heller, but without the inflexible trust fund device.

The "prize" on the block grants would be good faith initiative by the States in filing a statement of intent—show Modern Government Programs. The Governors themselves, through their own plans and through the regional review and decision of majority vote, and the widely respected ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS would be the qualifying agents. There would be no statutory strings with respect to compliance with the state plans, although annual reports to Congress are required, and the program runs for 3 years only. No doubt Congress in considering whether to renew the program would take into account the good faith effort made by the States to fulfill their plans.

I would hope that such a good faith effort would be made. A reform-minded governor would, for the first time, have public opinion behind him. Bipartisanship is bringing many new and modern legislatures to the State capitals. Forty of the 50 states are planning to consider constitutional reforms within the next two years. FEDERAL BLOCK GRANTS necessary for fiscal reasons, could be the incentive that catalyzes a movement for major constitutional and statutory reforms.

Planning should begin now for that time, after the economic strain of the Vietnam war ends, when substantial FEDERAL SURPLUSES ARE AVAILABLE.

THE TEXT OF H.R. 2349 FOLLOWS:

A bill to improve intergovernmental relationships between the United States and its States and Municipalities, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities which take steps to modernize State and local governments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This act may be cited as the "State and Local Government Modernization Act of 1969".

Sec. 2. STATE MODERN GOVERNMENTS PROGRAMS.—

(a) Planning funds for Modern Governments Programs.—The President shall, as soon as possible after the effective date of this act, grant to the Governors of each of the Fifty States which elect to participate in the State modern governments program, planning funds to cover the full cost of preparing for such a modern governments program. There is hereby authorized to be appropriated solely for this purpose and the purpose of paragraph (1) of this section the sum of \$50,000,000 with each State's share to be no less than 350,000 and with the remainder apportioned according to State population on the basis of the Bureau of the Census recent estimates of population.

(b) PREPARATION OF STATE MODERN GOVERNMENTS PROGRAMS.—Not later than eighteen months after such planning funds have been made available to States which have elected to participate, each Governor SHALL FILE HIS STATE DRAFT MODERN GOVERNMENTS PROGRAM with the REGIONAL COORDINATING COMMITTEE for State modern governments programs, set up pursuant to section 2 (d) hereof. Within six months thereafter, the Regional coordinating committee shall file the Modern Governments Program for each participating State in the region with the President, the ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, and the CONGRESS.

(c) CONTENTS OF STATE MODERN GOVERNMENTS PROGRAM.—Each State modern governments program shall certify that the State has in effect an income tax of at least moderate proportions. In addition, such programs shall set forth plans and timetables for modernizing and evaluating State and Local Governments, including such matters as:

(1) Proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, regional cooperation in health, education, welfare, and conservation.

BLOCK GRANTS TO STATES WITH MODERN GOVERNMENTS PROGRAM

States with Modern government programs qualified by both the regional coordinating committees and by the COMMISSION ON INTERGOVERNMENTAL RELATIONS as reflecting "sufficient State creative initiative so as to qualify that state for FEDERAL BLOCK GRANTS" would begin receiving payments in 1972, or at the latest by 1973. They would receive unrestricted Federal grants from the \$5 billion a year, 3 year authorization by the bill.

The funds would be distributed according to population, with not to exceed 20 percent for improvements to those states having a low per capita income; a high degree of poverty, dependency, or urbanization; and State tax effort as indicated by the amount of State and local taxes relative to personal income.

The authorized amount of \$5 billion annually—congressional appropriations could be less, of course—depending upon economic conditions and the degree of participation by the states—is approximately equal to the 24 of individual income suggested by Heller, but without the inflexible trust fund device.

The "spring" on the block grants would be good faith initiative by the States in filing a statement of intent—show Modern Government Programs. The Governors themselves, through their own plans and through the regional review and decision of majority vote, and the widely respected ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, would be the qualifying agents. There would be no statutory strings with respect to compliance with the state plans, although annual reports to Congress are required, and the program runs for 3 years only. No doubt Congress is considering whether to renew the program, would take into account the good faith effort made by the States to fulfill their plans.

I would hope that such a good faith effort would be made. A reform-minded governor would, for the first time, have public opinion behind him. Reapportionment is bringing many new and modern legislatures to the State capitals. Forty of the 50 states are planning to consider constitutional reforms within the next two years. FEDERAL BLOCK GRANTS necessary for fiscal reasons, could be the incentive that catalyzes a movement for major constitutional and statutory reforms.

Planning should begin now for that time, after the economic strain of the Vietnam war eases, when substantial FEDERAL SURPLUSES ARE AVAILABLE.

THE TEXT OF H.R. 2599 FOLLOWS:

A bill to improve intergovernmental relationships between the United States and its States and Municipalities, and the economy; to improve efficiency of all levels of government, by providing Federal block grants for State and localities which take steps to modernize State and local governments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This act may be cited as the "State and Local Government Modernization Act of 1969".

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(a) Planning funds for Modern Government Programs.—The President shall, as soon as possible after the effective date of this act, grant to the Governors of each of the Fifty States which elect to participate in the State Modern governments program, planning funds to cover the full cost of preparing for each state a modern governments program. There is authority authorized to be appropriated solely for this purpose and the purpose of paragraph (c) of this section the sum of \$50,000,000 with each State's share to be no less than 250,000 and with the remainder apportioned according to State population on the basis of the Bureau of the Census current estimates of population.

(b) PREPARATION OF STATE MODERN GOVERNMENTS PROGRAMS.—Not later than eighteen months after such planning funds have been made available to States which have elected to participate, each Governor SHALL FILE HIS STATE'S DRAFT MODERN GOVERNMENTS PROGRAM with the REGIONAL COORDINATING COMMITTEE for State Modern governments programs, set up pursuant to section 2 (d) hereof. Within six months thereafter, the Regional coordinating committee shall file the Modern governments Program for each participating State in the region with the President, the ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, and the CONGRESS.

(c) CONTENTS OF STATE MODERN GOVERNMENTS PROGRAM.—Each State modern governments program shall certify that the State has in effect an income tax of at least moderate proportionate. In addition, such programs shall set forth plans and timetables for modernizing and revitalizing State and Local Governments, including such matters as:

(1) Proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap state lines, regional cooperation in health, education, welfare, and conservation;

State Government to the metropolitan areas, and to encourage metropolitan areas to develop and to improve their own metropolitan areas, and to encourage metropolitan areas to develop and to improve their own metropolitan areas, and to encourage metropolitan areas to develop and to improve their own metropolitan areas.

(2) Promoting strengthening and modernizing of local rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including where needed:-

(A) reducing the number of counties,
(B) reducing the number of, or eliminating, local governments too small to provide efficient administration, and special districts not subject to democratic control,
(C) providing popular elections to policy makers.

(D) Encouraging on a state responsibility executive for each local unit.

(E) reform of personnel practices so as to base them uniformly on merit and competence.

(F) granting adequate home rule powers to reform counties and other local governments.

(G) revising the terms of state grants-in-aid and shared taxes so as to encourage modern governments and to minimize difference in local fiscal capacity.

(H) easing restrictions on local power to tax property.

(I) improving local property tax administration.

(J) authorizing local governments to utilize non-property taxes, coordinated at the State or Regional level.

(K) easing restrictions on borrowing power of local governments.

(L) strengthening local governments in metropolitan areas by:-

(i) liberalizing municipal annexation of unincorporated areas,

(ii) discouraging new incorporations not meeting minimum standards of total population and population density.

(iii) authorizing transfer of specified functions between municipalities and counties.

(iv) authorizing intergovernmental contracts for the provision of services.

(v) authorizing the municipalities to exercise extrajurisdictional planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation.

(vi) restricting zoning authority to metropolitan areas in larger municipal cities and to counties in order to prevent zoning by smaller municipalities which excludes housing for lower income families.

(vii) authorizing the formation of metropolitan councils of public officials to exchange information and views on problems of mutual concern.

(viii) authorizing the establishment by local governmental bodies or by the voters directly of metropolitan area study commissions to develop proposals to improve local governmental structure and services, and to present to the voters of the area such incorporation plans.

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning land use, zoning, building regulations, and other improvements.

(x) establishing a State agency to assist metropolitan areas.

(xi) furnishing State financial and technical assistance to metropolitan areas for planning, building codes, urban renewal, and local government and finance.

(4) Proposed use of Federal block grants pursuant to section 5 hereof, including provision for passing on at least 50 per centum of such grants to an equitable number of local governments.

(5) REGIONAL COORDINATING COMMITTEES FOR STATE MODERN GOVERNMENTS PROGRAMS - Each participating State shall channel its modern governments programs through a regional coordinating committee for State modern governments programs, as set forth in section 2 (b) hereof. Such a regional coordinating committee shall be set up for each of the following regions:

EASTERN REGION (Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont);

SOUTHERN REGION (Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Kentucky);

MIDWESTERN REGION (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin);

WESTERN REGION (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming).

Each regional coordinating committee shall be set up by the participating Governors of the region, with whatever representatives of his state each governor shall select, and shall operate by a majority vote of the participating states. Each regional coordinating committee shall review the fifty state modern governments programs and shall make recommendations concerning any possible improvements in forwarding the state modern governments programs to the President, the Advisory Commission on Intergovernmental Relations and the Congress.

A BOOK ON THE CONVENTION - WRITTEN FOR YOUR CONVENIENCE

MONTANA CONSTITUTIONAL CONVENTION

1971 - 1972



OFFICE SENATE OF MONTANA

By Roy G. Crosby Jr., (CITIZEN'S LOBBY)

CITIZENS for CONSTITUTIONAL GOVERNMENT

for the People

By the People

For the People

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The above book is a complete report on the activities of the Montana Constitutional Convention. It contains Delegate Proposals, with their signatures, and committee reports with voting records and cross-references. There are two volumes consisting of over 1,000 pages. This study of the convention was compiled by Roy G. Crosby Jr., Citizen's Lobby in the Convention. This record will have a lasting effect upon the future political career of the delegates to the convention. It is a must for all political minded leaders. The two volumes, containing Crosby's speeches in the convention and a copy of the constitution and his comments complete for \$50.00. The proceedings of the convention alone cost him \$150.00 plus his lobby license. It is a bargain at \$50.00.