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MONTANA CONSTITUTIONAL CONVENTION
1971-1972

GENERAL GOVERNMENT
AND CONSTITUTIONAL AMENDMENT COMMITTEE PROPOSAL
ON GENERAL GOVERNMENT

No. XII

DATE Introduced: February 19, 1972

Mark Etchart Chairman
Ken [unclear], Vice Chairman

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Date: February 19, 1972

To: MONTANA CONSTITUTIONAL CONVENTION

From: General Government and Constitutional Amendment Committee

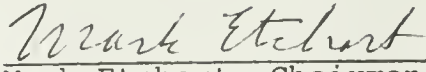
Ladies and Gentlemen:

The General Government and Constitutional Amendment Committee submits herewith a proposed new General Government Article. The proposed Article is intended to replace all sections of the present constitution dealing with general government areas.

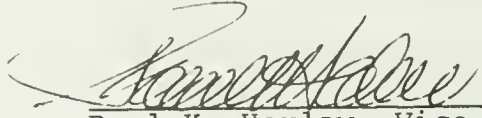
The scope of an area such as general government is broad and, unless specific issues are cited, somewhat nebulous. The proposed Article does not have an exact duplicate in the Constitution of 1889. The content of the new Article was drawn from many sections of the old constitution (See Appendix A) and from delegate proposals assigned to the Committee (see Appendix B). The topics are varied and encompass many areas of state government. Though some members of the Committee disagreed on various portions of the proposed Article, the Committee agreed unanimously on the basic intent of the article. In signing this majority report a Committee member does not necessarily endorse each and every statement in it. Those members who disagree on specific sections signed minority reports outlining their dissent.

The Committee utilized the services of the following people in addition to its members: James Grady (Research

Analyst), Bobbie Murphy (Secretary) and Robert Skaggs
(Intern).



Mark Etchart, Chairman



Paul K. Harlow, Vice Chairman

MAJORITY PROPOSAL

1 BE IT PROPOSED BY THE GENERAL GOVERNMENT AND CONSTITU-
2 TIONAL AMENDMENT COMMITTEE:

3 That there be a new Article on General Government to
4 read as follows:

5
6 ARTICLE _____

7 GENERAL GOVERNMENT

8 Section 1. SEPARATION OF POWERS. The powers of the
9 government of this state are divided into three distinct
10 departments: The legislative, executive, and judicial,
11 and no person or collection of persons charged with the
12 exercise of powers properly belonging to one of these
13 departments shall exercise any powers properly belonging
14 to either of the others, except as in this constitution
15 expressly directed or permitted.

16 Section 2. CONTINUITY OF GOVERNMENT. The seat of
17 government shall be in Helena, except during periods of
18 emergency resulting from disasters or enemy attack. The
19 legislative assembly may enact laws to insure the con-
20 tinuity of governmental operations during a period of
21 emergency. Such laws may deviate from other provisions
22 of the Montana Constitution conflicting therewith but
23 shall be effective only during the period of emergency
24 that affects a particular office or governmental
25 operation.

26 Section 3. OATH OF OFFICE. Members of the legisla-
27 tive assembly and all officers, executive, ministerial
28 or judicial, shall, before they enter upon the duties of
29 their respective offices, take and subscribe the following
30 oath or affirmation, to-wit: "I do solemnly swear (or

1 affirm) that I will support, protect and defend the
2 constitution of the United States, and the constitution
3 of the state of Montana, and that I will discharge the
4 duties of my office with fidelity (so help me God)."
5 And no other oath, declaration or test shall be required
6 as a qualification for any office or public trust.

7 Section 4. INITIATIVE. The people may enact laws
8 by initiative on all matters except appropriations of
9 money and local or special laws prohibited by this con-
10 stitution. Initiative petitions must be signed by eight
11 percent or more of the legal voters in each of one-third
12 or more of the legislative representative districts and
13 the total number of signers must be eight percent or
14 more of the total legal voters of the state. Each
15 petition must contain the full text of the proposed measure.
16 Petitions must be filed with the Secretary of State four
17 months or more prior to the election at which they will
18 be voted upon. The enacting clause of all initiative
19 measures shall be: "Be it enacted by the people of the
20 State of Montana."

21 Section 5. REFERENDUM. (1) The people may approve
22 or reject acts of the legislature by referendum, except
23 appropriations of money. A referendum may be ordered by
24 the legislative assembly, or upon petition signed by
25 eight percent or more of the legal voters in each of one-
26 third or more of the legislative representative districts
27 and the total number of signers must be eight percent
28 or more of the total legal voters of the state.
29 Referendum petitions must be filed with the Secretary of
30 State no later than six months after adjournment of the

1 legislative assembly which passed the bill.

2 (2) Acts of the legislature referred to the people
3 are in full force and effect unless suspended by petitions
4 signed by 15 percent of the legal voters of a majority
5 of the whole number of the legislative representative
6 districts of the state, in which case the law shall be
7 inoperative until such time as it shall be passed upon
8 at an election, and the result has been determined and
9 declared as provided by law.

10 Section 6. ELECTIONS. All measures referred to
11 the people shall be voted upon at the regular biennial
12 election unless a special election is ordered by the
13 legislative assembly.

14 Section 7. LEGAL VOTERS. The number of legal voters
15 for each legislative representative district and for the
16 state is determined by the votes cast for the office of
17 Governor in the regular election immediately preceding
18 filing of petitions for initiative or referendum measures.

19 Section 8. GUBERNATORIAL VETO. The governor does
20 not have power to veto initiative or referendum measures.

21 Section 9. RESTRICTION. This Article is not appli-
22 cable to constitutional revision as covered in Article _____
23 of this constitution.

24 Section 10. RECALL. Laws shall be enacted to pro-
25 vide for the recall of all elected officials of the state
26 and of its political subdivisions upon petition of electors
27 equal in number to 25 percent of the number of persons
28 voting in the last preceding election for the office of
29 Governor in the state or political subdivision of the
30 official sought to be recalled.

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Section 11. GAMBLING. All forms of gambling, lotteries,
and gift enterprises are prohibited unless authorized by
acts of the legislature or by the people through initiative
or referendum.

Mark Etchart
Mark Etchart, Chairman

Paul K. Harlow
Paul K. Harlow, Vice Chairman

Don E. Belcher Bruce M. Brown Lyman W. Choate
Don E. Belcher Bruce M. Brown Lyman W. Choate

Otto T. Habedank Robert Vermillion Peter "Pete" Lorello
Otto T. Habedank Robert Vermillion Peter "Pete" Lorello

1 COMMENTS ON MAJORITY PROPOS.

2 Section 1. SEPARATION OF POWERS. The powers of the
3 government of this state are divided into three distinct
4 departments: The legislative, executive, and judicial, and no
5 person or collection of persons charged with the exercise of
6 powers properly belonging to one of these departments shall
7 exercise any powers properly belonging to either of the others,
8 except as in this constitution expressly directed or permitted.

9 COMMENTS

10 This section with the exception of the title change
11 from "Distribution" to "Separation" is identical to Article IV
12 of the present constitution. The Committee feels a statement
13 dividing the powers of government among the three branches of
14 state government is essential to any constitution. The pres-
15 ent Article has been the crucial factor in determining much
16 litigation, and is an invaluable tool for the courts in decid-
17 ing matters of governmental jurisdiction. A statement dividing
18 the powers of government is designed to act as a check on an
19 overly ambitious branch of government.

20 The Committee carefully considered Delegate Proposal
21 79 which would have extended the separation of powers doctrine
22 to all political subdivisions of the state. The Committee
23 rejected this proposal, as it feels such a constitutional
24 provision would create far-reaching, unwieldy problems.
25 The separation of powers by a constitution necessitates that
26 the governmental powers, since separated, be distributed among
27 several branches of government. If such a separation-distribution
28 were mandatorially extended to the state (which now operates
29 under the doctrine) and all its political subdivisions (some
30 of which do not operate under the doctrine), chaos could

1 result under present Montana government. The extension would
2 require that every political subdivision, every governmental
3 level, have its powers separated and distributed. Thus,
4 school boards would cease to function as they now do. School
5 boards now both legislate school regulations and hear appeals
6 on the results of their rules, both legislative and judicial
7 functions. Under Delegate Proposal 79, at least two separate
8 boards would have to be created: one to hear appeals and one
9 to make the rules, as both functions could not be performed
10 by the same board. The Committee feels the additional burdens
11 and expense Delegate Proposal 79 would incur offset any
12 benefits of the proposal.

13 *Section 2. CONTINUITY OF GOVERNMENT. The seat of govern-*
14 *ment shall be in Helena, except during periods of emergency*
15 *resulting from disasters or enemy attack. The legislative*
16 *assembly may enact laws to insure the continuity of govern-*
17 *mental operations during a period of emergency. Such laws*
18 *may deviate from other provisions of the Montana Constitution*
19 *conflicting therewith but shall be effective only during the*
20 *period of emergency that affects a particular office or*
21 *governmental operation.*

22 COMMENTS

23 This section would revise the provisions in Article X,
24 Sections 2, 3 and 4 of the present constitution relating to
25 the seat of government and Article V, Section 46 relating
26 to continuity of government. The proposed section is sufficient
27 to allow the legislature to enact laws to provide for continu-
28 ity of government under any situation that may arise.

29 *Section 3. OATH OF OFFICE. Members of the legislative*
30 *assembly and all officers, executive, ministerial or judicial,*

1 shall, before they enter upon the duties of their respective
2 offices, take and subscribe the following oath or affirmation,
3 to-wit: "I do solemnly swear (or affirm) that I will support,
4 protect and defend the constitution of the United States, and
5 the constitution of the state of Montana, and that I will
6 discharge the duties of my office with fidelity (so help me
7 God)." And no other oath, declaration or test shall be required
8 as a qualification for any office or public trust.

9 COMMENTS

10 This oath is a shortened version of the oath presently
11 contained in Article XIX, Section 1 of the present constitu-
12 tion. This oath contains the intent of the present constitu-
13 tion's oath, but without the extensive detail. The proposed
14 oath also allows a person of any religious persuasion, includ-
15 ing an atheist or agnostic, to take the oath without violating
16 his principles. The provision also prohibits any other oath
17 as a qualification for any state public office.

18 Section 4. INITIATIVE. The people may enact laws by
19 initiative on all matters except appropriations of money and
20 local or special laws prohibited by this constitution. Initi-
21 ative petitions must be signed by eight percent (8%) or more
22 of the legal voters in each of 1/3 or more of the legislative
23 representative districts and the total number of signers must
24 be eight percent (8%) or more of the total legal voters of
25 the state. Each petition must contain the full text of the
26 proposed measure. Petitions must be filed with the Secretary
27 of State four months or more prior to the election at which
28 they will be voted upon. The enacting clause of all initiative
29 measures shall be: "Be it enacted by the people of the State
30 of Montana."

1 COMMENTS

2 This is the provision for statutory initiative agreed
3 on by the General Government and Legislative Committees. The
4 General Government Committee feels the petition requirements
5 of eight percent (8%) in each of 1/3 or more of the legis-
6 lative representative districts and eight percent (8%) or
7 more of the total legal voters of the state are high enough
8 to prevent frivolous legislative efforts by a small minority,
9 yet low enough to allow serious, popular measures to be
10 initiated by the people.

11 *Section 5. REFERENDUM. (1) The people may approve or*
12 *reject acts of the legislature by referendum, except appro-*
13 *riations of money. A referendum may be ordered by the legis-*
14 *lative assembly, or upon petition signed by eight percent (8%)*
15 *or more of the legal voters in each of 1/3 or more of the*
16 *legislative representative districts and the total number*
17 *of signers must be eight percent (8%) or more of the total*
18 *legal voters of the state. Referendum petitions must be*
19 *filed with the Secretary of State no later than six months*
20 *after adjournment of the legislative assembly which passed*
21 *the bill.*

22 *(2) Acts of the legislature referred to the people are*
23 *in full force and effect unless suspended by petitions signed*
24 *by fifteen percent (15%) of the legal voters of a majority*
25 *of the whole number of the legislative representative districts*
26 *of the state, in which case the law shall be inoperative*
27 *until such time as it shall be passed upon at an election,*
28 *and the result has been determined and declared as provided*
29 *by law.*

1 COMMENTS

2 This section contains the procedure for the two forms
3 of statutory referendum as agreed upon by the General Govern-
4 ment and Legislative Committees. This provision is parallel
5 to the present referendum provisions as contained in Article V,
6 Section 1 of the constitution. The only changes are the
7 petition requirements, which the General Government Committee
8 felt should be set at eight percent (8%) of the legal voters
9 in each of 1/3 or more of the legislative representative
10 districts and eight percent (8%) or more of the total legal
11 voters of the state for the petition referendum. The Com-
12 mittee set the petition requirement for requiring suspension
13 of enforcement of a matter to be referred at fifteen percent
14 (15%) of the whole number of legal voters of a majority of
15 the legislative representative districts of the state. This
16 provision is analagous to present constitutional provision.

17 *Section 6. ELECTIONS. All measures referred to the*
18 *people shall be voted upon at the regular biennial election*
19 *unless a special election is ordered by the legislative*
20 *assembly.*

21 *Section 7. LEGAL VOTERS. The number of legal voters*
22 *for each legislative representative district and for the state*
23 *is determined by the votes cast for the office of governor*
24 *in the regular election immediately preceding filing of*
25 *petitions for initiative or referendum measures.*

26 COMMENTS

27 These sections are administrative in nature and fairly
28 self-explanatory. The Committee feels such measures should
29 be stated in the same place as the subject matter they
30 cover.

1 *Section 8. GUBERNATORIAL VETO. The governor does not*
2 *have power to veto initiative or referendum measures.*

3 COMMENTS

4 This section prohibits the governor from vetoing an
5 initiative or referendum. The present constitution also
6 contains such a provision. The Committee feels one man
7 should not have the power to overturn a decision made by a
8 majority of the state's electorate.

9 *Section 9. RESTRICTION. This Article is not applicable*
10 *to constitutional revision as covered in Article ____ of*
11 *this constitution.*

12 COMMENTS

13 This section is included to prevent any confusion
14 with the initiative and referendum provisions on constitutional
15 revision that are otherwise created in the constitution.

16 *Section 10. RECALL. Laws shall be enacted to provide*
17 *for the recall of all elected officials of the state and of*
18 *its political subdivisions upon petition of electors equal*
19 *in number to twenty-five percent (25%) of the number of*
20 *persons voting in the last preceding election for the office*
21 *of governor in the state or political subdivision of the*
22 *official sought to be recalled.*

23 COMMENTS

24 Section 10 provides for the recall of public officers.
25 The Committee feels this is a basic right of the people under
26 a form of government such as Montana's. The recall is designed
27 to keep politicians "honest" in the political sense. Impeach-
28 ment provisions are designed to keep politicians honest in
29 the legal sense. In other words, recall is not designed for
30 cases of malfeasance. Recall is designed to allow the public

1 to remove an elected official who is making political
2 decisions with which the majority of the people disagree.
3 It is designed to help insure a politician will live up to
4 his promises once elected. Recall gives the people remedy
5 to a situation that they feel must be rectified before the
6 next election day.

7 The requirement of twenty-five percent (25%) of the
8 number of electors in the concerned political subdivision
9 creates a workable and desirable system. The petition
10 requirement is very steep. Frivolous attempts to call a
11 recall election or the use of the recall as blackmail by a
12 small minority are extremely doubtful and both instances
13 represent hypothetical situations of dubious foundation.

14 The recall sponsors would be hard pressed to convince
15 twenty-five percent (25%) of the concerned individuals that
16 the deeds of the official were nefarious enough to warrant
17 the cost of a recall election. On the other hand, should
18 genuine grievances exist, the petition requirement is not
19 so high that a recall election is unattainable.

20 *Section 11. GAMBLING. All forms of gambling, lotteries,*
21 *and gift enterprises are prohibited unless authorized by acts*
22 *of the legislature or by the people through initiative or*
23 *referendum.*

24 COMMENTS

25 This section is designed to replace Article XIX,
26 Section 2 of the present constitution. The present constitu-
27 tion prohibits gambling of any kind. The proposed revision
28 would continue this prohibition until the legislature specif-
29 ically legalizes particular forms. The proposed revision would
30 alleviate a good deal of fear among the populace that a

1 constitutional change would open the door to all sorts of
2 gambling problems that do not now exist in the state. The
3 Committee revised the specific and inflexible prohibition
4 because it feels the legislature should make the rules
5 governing gambling.

6 The Committee recommends that if at all possible, the
7 Convention decision on lotteries and gambling be presented
8 to the voters as a separate issue.

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MINORITY PROPOSAL 1

1 BE IT PROPOSED:

2 That there be a new constitutional section as follows:

3 Section ____ BOUNDARIES. The sovereignty and juris-
4 diction of the State of Montana shall prevail within the area
5 encompassed by the following boundaries:

6 Beginning at the point of intersection of the 104th
7 meridian of west longitude and the 45th parallel of north
8 latitude, thence clockwise west on said parallel to its
9 intersection with the 111th meridian; south on said meridian
10 to the crest of the Rocky Mountains; northwestward on
11 said crest (the continental divide) to the summit of Lost
12 Trail Pass intersecting there with the southeast end and
13 crest of the Bitterroot Mountains; hence northwestward on
14 the crest of the Bitterroot Mountains and Range to 116th
15 meridian; north on said meridian to the 49th parallel;
16 east on said parallel to the 104th meridian; and south on
17 said meridian to the place of beginning.

18 Don E. Bell Walter Stamm
19

20 COMMENTS

21 The wording for this minority report is taken from the
22 work of Walter Stamm, Dillon, Montana. The minority feels
23 the constitution should state the exact area over which the
24 document establishes jurisdiction.
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MINORITY PROPOSAL 2

1 BE IT PROPOSED:

2 That Section 10 of the proposed General Government
3 Article dealing with recall be deleted and no comparable
4 section be included in the constitution. The section to
5 be deleted reads as follows:

6 *Section 10. RECALL. Laws shall be enacted to provide*
7 *for the recall of all elected officials of the state and of*
8 *its political subdivisions upon petition of electors equal*
9 *in number to 25 percent of the number of persons voting in*
10 *the last preceding election for the office of governor in*
11 *the state or political subdivision of the official sought*
12 *to be recalled.*

13 Mark Etling Don Williams
14

15 COMMENTS

16 A recall provision is an unnecessary and dangerous
17 harassment provision that would hinder an elected official
18 in performance of his duties. Such a provision would tend
19 to disrupt the body politic, and keep Montana in a state
20 of permanent flux. The intent of recall is also basically
21 covered under the present electoral system, as elected
22 officials are subject to recall each time their office is
23 up for election.

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MINORITY PROPOSAL 3

1 BE IT PROPOSED:

2 That Section 11 of the proposed General Government
3 Article dealing with gambling and lotteries be deleted, and
4 no comparable section be included in the constitution. The
5 section to be deleted reads as follows:

6 *Section 11. GAMBLING. All forms of gambling, lot-*
7 *teries, and gift enterprises are prohibited unless*
8 *authorized by acts of the legislature or by the people*
9 *through initiative or referendum.*

10
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12 COMMENTS

13 The Minority Proposal and the Majority Proposal would
14 accomplish the same end with regards to gambling. Both
15 would leave the matter to statutory law, where extensive
16 provisions prohibiting gambling already exist. Neither
17 provision would legalize gambling of any nature. However,
18 the Majority Proposal constitutionally states that situation.
19 The Minority feels that to state something is illegal unless
20 made legal is superfluous and redundant. If, as is the case,
21 there are laws on the books, the laws will stay in force
22 unless overturned by the court, prohibited by the constitu-
23 tion, or changed by the legislature. Discussion of any
24 court action is speculative and neither proposal prohibits
25 the legislature from acting on the present statutory laws.
26 The minority does not feel it is necessary to list a
27 specific instance in which the legislature or people may
28 act when they have been given the general power to so do.
29 Basically, the Majority Proposal is identical to the
30 Minority Proposal.

1 The minority feels the majority provision also could
2 be somewhat confusing to the voters, whereas no mention
3 of gambling would save the confusion resulting from the
4 redundant majority article.

5 The minority would also like to point out that if the
6 Majority Proposal is adopted, gambling would join treason
7 as a constitutional crime, while such crimes as murder, rape
8 and assault are statutory crimes. In this light, the
9 minority wonders if gambling is really a basic and
10 constitutional issue.

APPENDIX A
CROSS REFERENCES

Proposed Section	Present Article and Section
1	IV
2	X, 2-4 and 46 revised
3	XIX, 1 revised
4	V, 1 revised
5	V, 1 revised
6	V, 1 revised
7	V, 1
8	V, 1
9	V, 1 revised
10	none
11	XIX, 2 revised
none	I

APPENDIX B

DELEGATE PROPOSALS CONSIDERED BY COMMITTEE

The Committee examined many delegate proposals. The following list of those proposals is sectionalized by general areas as well as by individual proposal.

Number of
proposal Chief Sponsor Content and Disposition

INITIATIVE, REFERENDUM AND RECALL

- | | | | |
|----|-----|----------------|---|
| 1. | 8 | Fred Martin | This provision provides for recall of public officials, and is revised and covered in the proposed Article. |
| 2. | 42 | Virginia Blend | This proposal provides for initiative, referendum and recall on a local level, and is revised and covered in the proposed Article. |
| 3. | 129 | Paul Harlow | This proposal contains the provisions for initiative, referendum and recall, and was the core proposal that resulted in the proposed Article. |

BOUNDARIES

- | | | | |
|----|----|-------------|---|
| 4. | 26 | Bruce Brown | This proposal contains an abbreviated description of the boundaries of the state. It was rejected in favor of the majority and minority boundary proposals. |
|----|----|-------------|---|

5. 84 Bruce Brown This proposal calling for complete deletion of any mention of the state boundaries has been adopted as the majority report.

LOTTERIES AND GAMBLING

6. 24 Lyman Choate This proposal called for no mention of lotteries or gambling of any sort in the constitution. This proposal was adopted as a minority report.
7. 28 Don Belcher This proposal provided that all forms of gambling would remain illegal until acted upon by the legislature. This proposal was revised and incorporated as the majority proposal.
8. 111 Gene Harbaugh This proposal would prohibit gambling as a means of raising revenue for the state, and would allow nonprofit organizations to engage in gift enterprises. This proposal was rejected by the Committee.
9. 120 A.W. Kamhoot This proposal would have allowed nonprofit organizations to sponsor bingo. As such, it was rejected by the Committee.

OATH

10. 31 Paul Harlow This proposal established a short oath for office, and was adopted as the majority proposal.

CONTINUITY OF GOVERNMENT

11. 36 Don Belcher This proposal established the seat of government in Helena and served as the core proposal for the majority report on continuity of government.

INTEREST RATES

12. 64 Jerome Cate This proposal set a limit of twelve percent (12%) of all interest charges in the state. The Committee feels such a provision is not a constitutional matter, and consequently rejected the proposal. The Committee recommends this proposal be studied by the Legislative Council.

STATE AND THE LIQUOR BUSINESS

13. 112 Arnold Jacob- This proposal would have pro-
 sen hibited the state from engaging
 in the liquor business after 1974.

The Committee rejected this proposal. There is no mention of the state's involvement in the liquor business in the present constitution, and the involvement was the result of legislation. Consequently, the Committee feels this proposal is legislative in nature, and if the intent of the proposal should be carried out, it should be done through the legislature. The Committee recommends this proposal be referred to the Legislative Council.

14. 157 Torrey Johnson This proposal is similar to Delegate Proposal 112, but it goes beyond 112 in that it prohibits the state from "monopolize(ing) what would otherwise be a competitive business." The Committee rejected this proposal for the same reasons it rejected 112, and also because of the monopoly provision. The Committee is extremely leary of freezing such a provision into the constitution, and feels the ramifications of such a move cannot be

predicted and are extremely difficult to speculate on with the brief amount of time that the Committee and the Convention have.

TRANSITION

15. 115 Daphne Bugbee This proposal would have prohibited any changes dealing with elective offices called for in the proposed constitution from taking effect until 1977. The Committee feels this decision should be made by the concerned committees in consultation with the Committee on Style and Drafting. Consequently, this committee rejected the proposal.

STATE INSTITUTIONS

16. 139 Mike McKeon This proposal would have constitutionally established the location of all state institutions at their present site. The Committee rejected this proposal, as it dangerously ignores the possibility of changing conditions. Such a proposal would block

reconstruction and necessary relocation of the state prison at Deer Lodge should the buildings and the general area be rendered unsuitable by an earthquake.

OMBUDSMAN OR PEOPLE'S ADVOCATE

17. 172 Richard Cham- This proposal called for the
 poux creation of the office of Ombudsman
 in Montana. The Committee noted
 that the Legislative Committee
 has recommended the creation of
 such an office in its report.
 The Committee also noted that the
 constitution does not now pro-
 hibit the creation of such an
 office. The Committee feels if
 the office of Ombudsman (People's
 Advocate) is a constitutional
 matter, then the Legislative
 Committee's proposal is adequate
 to put this section before the
 Convention. Consequently, the
 Committee rejected Delegate
 Proposal 172.

REAPPORTIONMENT COMMISSION

18. 62 Katie Payne This proposal called for the creation of a reapportionment commission. The Committee feels this matter was provided for by the Legislative Committee, and consequently took no specific action on the proposal.

APPENDIX C

WITNESSES HEARD BY COMMITTEE

Name - Affiliation - Residence - Subject

1. Ray Cooley - Citizen - Joplin - Ombudsman
2. Kurk Kruden - Citizen - Joplin - Ombudsman
3. Kayle Jackson - Intern - Bozeman - Ombudsman
4. John Hauser - Citizen - Stevensville - Initiative, Referendum and Recall
5. Duane Welker - Citizen - Hamilton - Initiative, Referendum and Recall
6. Frank Freeburg - Montana Music Co., Montana Coin Machine Operators - Great Falls - Gambling
7. Walter Stamm - Citizen - Dillon - Boundaries
8. Frances Satterthwaite - Inter-Tribal Policy Board - Helena - General State-Indian Relationships
9. Earl Hollman - Citizen - Butte - Gambling
10. Bob Durkee - Montana Taverns' Association - Helena - Gambling
11. Gerald L. McCurdy - NHF Montana Branch - Hamilton - Initiative, Referendum and Recall
12. Roy G. Crosby, Jr. - Citizens for Constitutional Government Missoula - Initiative, Referendum and Recall
13. Joe Shea - Administrator of Liquor Board - Helena - State and Liquor Business
14. Don Larson - Jorgenson's - Helena - State and Liquor Business
15. D. H. Sievert - Montana Chamber of Commerce - Helena - State and Liquor Business

16. C. E. Grimes - OEO - Helena - Ombudsman
17. Steve Coldiron - Low Income - Helena - Ombudsman
18. Wesley Wertz - Montana Bankers Association - Great Falls - Interest Rates
19. Robert J. Emmons - Citizen - Great Falls - Interest Rates
20. Lyle Olson - Commerce Bank - Helena - Interest Rates
21. Socs Vrates - Montana Retailers - Helena - Interest Rates
22. Joe Irwin - Montana Consumers' Finance Association - Great Falls - Interest Rates
23. Irving Nyquist - Nyquist Financial Services - Great Falls - Interest Rates
24. Morris Nyquist - Nyquist Financial Services - Great Falls - Interest Rates
25. L. W. Alke - Department of Business Regulation - Helena - Interest Rates
26. Bill Koener - Citizen - Hamilton - Initiative Referendum and Recall
27. Scott Stratton - First National Bank - Great Falls - Interest Rates

The following is a list of witnesses (with as much identification as was possible) heard during the committee's radio broadcasted hearing on gambling and lotteries. The list is at times incomplete and may not be completely accurate due to technical difficulties encountered during the hearing.

Witness - Address

28. Bill Fisher
29. Everett Seller
30. Mr. Grunds - Miles City
31. Bernard Geier

32. Fred Levitt - Bozeman
33. Stella Filabitts - Great Falls
34. Mr. Jackson - Libby
35. Mrs. Jacoby - Great Falls
36. Mr. Platiem - Whitefish
37. Mr. Clark - Livingston
38. The Mint - Sunburst
39. Mr. Wilson - Glasgow
40. Bob Crane - Helena
41. Ken Christian - Columbus
42. Mr. Cranover - Libby
43. Margaret Mayer - Helena
44. Mrs. Matthews - Helena
45. Jess - Great Falls
46. Harold Brown - Fort Peck
47. Mr. Harlan - Great Falls
48. Lee Neigh - Missoula
49. Jim Gentry - Missoula
50. Robert Sier - Glendive
51. Iva Holiday - Glasgow
52. John Leonards - Great Falls
53. Gary Laners - Dillon
54. Lee Wilson - Conrad
55. Mrs. Haubrick - Helena
56. Neomi Rader - Bozeman
57. Al Meyer
58. Betty Hogansen - Anaconda
59. Wayne Richardson - Anaconda

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60. Les - Missoula
61. Alvin Grant - Miles City
62. Paul Grating - Whitefish
63. Floyd Perriel - Great Falls
64. Shirley Balance - Lewistown
65. Jim Puttnam - Libby
66. Bob Burns - Shelby
67. Mr. Kennerman - Great Falls
68. Max Neilson - Shelby

Note: This list does not contain delegates who spoke on their proposals

ROLL CALL VOTE --- GENERAL GOVERNMENT AND CONSTITUTIONAL AMENDMENT COMMITTEE

	Sect. <u> </u> (Boundaries)	Sect. 10 (Recall)	Sect. 11 (Gambling)	Del. Prop. 172 (Ombudsman)
Etchart	Y	N	Y	Y
Harlow	N	Y	N	Y
Belcher	N	Y	Y	Y
Brown	Y	N	Y	Y
Choate	Y	Y	N	Y
Habedank	Y	Y	Y	Y
Lorello	Y	Y	Y	Y
Vermillion	Y	Y	Y	N

✓
Proposal 13
Compact with
the United States

PROPOS

PROPOSAL ON FINAL CONSIDERATION

ARTICLE _____

COMPACT WITH THE UNITED STATES

All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676, as amended) and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana.

UNANIMOUS PROPOSAL

by

COMMITTEE ON STYLE, DRAFTING, SUBMISSION AND TRANSITION

COMPACT WITH THE UNITED STATES

BE IT PROPOSED BY THE COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION:

That there be a new Article on Compact with the United States to read as

follows:

ARTICLE _____

COMPACT WITH THE UNITED STATES

All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676) and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana.

JOHN M. SCHILTZ, Chairman

D. L. HOLLAND

WILLIAM BURKHARDT, Vice Chairman

ROBERT LEE KELLEHER

VIRGINIA H. BLEND

COMPACT WITH THE UNITED STATES

All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676) and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana.

JOHN M. SCHILTZ, Chairman

WILLIAM BURKHARDT, Vice Chairman

D. L. HOLLAND

ROBERT LEE KELLEHER

LUCILE SPEER

VIRGINIA H. BLEND

CHET BLAYLOCK

J. C. GARLINGTON

BEN E. BERG

RICHARD B. ROEDER

JEROME T. LOENDORF

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COMMENTS

The proposed Article is a response to Delegate Proposal No. 15, which was referred to this Committee, and to other expressions of concern at the Convention. It is similar to a provision in the new North Dakota Constitution. Its only function is to serve as a reminder that the guarantees upon which Congress conditioned the entry of Montana into the Union persist even though Ordinance No. 1 is not reprinted.

