

University of Montana

## ScholarWorks at University of Montana

---

The Montana Constitution Collection

Mansfield Center

---

1-25-1972

### Minutes of the eighth meeting of the Executive Committee

Montana. Constitutional Convention (1971-1972). Executive Committee

Follow this and additional works at: <https://scholarworks.umt.edu/montanaconstitution>

**Let us know how access to this document benefits you.**

---

#### Recommended Citation

Montana. Constitutional Convention (1971-1972). Executive Committee, "Minutes of the eighth meeting of the Executive Committee" (1972). *The Montana Constitution Collection*. 163.

<https://scholarworks.umt.edu/montanaconstitution/163>

This Committee Minutes and Testimony is brought to you for free and open access by the Mansfield Center at ScholarWorks at University of Montana. It has been accepted for inclusion in The Montana Constitution Collection by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact [scholarworks@mso.umt.edu](mailto:scholarworks@mso.umt.edu).



**MONTANA CONSTITUTIONAL CONVENTION**  
STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

EXECUTIVE COMMITTEE

Place of Meeting: Room 430-31

Date Meeting Held: 1/25/72  
Hour Meeting Held: 10:25 a.m.

Committee Chairman: Thomas F. Joyce

MINUTES OF THE EIGHTH MEETING OF THE EXECUTIVE COMMITTEE

SUBJECT OF MEETING: Presentation by Karen Beck, Research Analyst

Roll Call:

Thomas F. Joyce, Chairman	<u>Present</u>
J. C. Garlington, Vice Chairman	<u>Present</u>
Harold Arbanas	<u>Excused</u>
Betty Babcock	<u>Present</u>
James R. Felt	<u>Present</u>
Fred J. Martin	<u>Present</u>
Richard B. Roeder	<u>Present</u>
Margaret S. Warden	<u>Present</u>
Archie O. Wilson	<u>Present</u>

INTERESTED PERSONS TESTIFYING:

<u>Name</u>	<u>Occupation or Title</u>
NONE	

Chairman Joyce first commented that the joint meeting with the Education Committee hearing State Superintendent of Public Instruction Colburg's presentation is not Wednesday, January 26 but Wednesday, February 2.

Other meetings that have been confirmed are as follows:

January 25	- 2:00 p.m.	Attorney General Woodahl
	3:00 p.m.	Secretary of State Murray
January 26	- 2:00 p.m.	RR and Public Service Commission
January 27	- 2:00 p.m.	Auditor Omholt
	3:00 p.m.	State Treasurer Stephenson

Arrangements still have to be made with the State Board of Equalization, State Examiner, Lt. Governor, Board of Pardons and the Adjutant General. It was also suggested we contact the Department of Administration and the Legislative Auditor. Mr. Wilson will be responsible for contacting the State Board of Equalization and Mr. Martin the Legislative Auditor. The others will be contacted by the Chairman and Vice Chairman. It was also decided to post a notice of all meetings scheduled.

It was mentioned that one proposal had been introduced this morning that will be forthcoming to this committee. The committee then got into a discussion as to how one would go about amending a proposal. If a delegate feels an amendment is necessary on a particular proposal he could go before the committee or write a letter to the chairman expressing his thoughts on the amendment.

Mr. Wilson mentioned that some committees are being given copies of all the minutes. Mrs. Warden stated there is a procedure starting whereby an Intern will each day go to all committees and obtain a resume of the daily activities. These will then be summarized, duplicated and transmitted to each committee the following date.

Chairman Joyce stated that all citizen proposals received in the committee would be sorted according to subject matter and discussed when the committee begins to go through the Executive Article section by section.

Miss Karen Beck, Research Analyst then gave her presentation on some of the various problems she feels will be encountered when drafting the Executive Article. These are as follows:

1. There is a prohibition on dual office holding. You can't run for another office at mid-term or be appointed to an office. This provision is unclear and should be clarified.
2. Whether the gubernatorial election should coincide with the national elections or be in the off year.
3. When should the term of office for governor begin, possibly in December. The purpose for a change is to give the governor more time to draw his budget. Another alternative would be to move back the date the legislature convenes.

4. The entire problem of succession to the governor. At present there is no distinction between permanent and temporary disability. Some constitutions make this distinction. Another problem is absence - when the governor leaves the state should he be able to perform the duties of the governor or should the Lt. governor do it.

5. Determination of gubernatorial disability - Doesn't provide any method of determining disability. A problem was cited from the State of Illinois where the governor was ill for a year and the Lt. Governor could not succeed. An amendment has been made in the Federal Constitution to take care of this problem. Should decide whether the constitution should say something about this or should it be left to law.

6. Who should succeed to governorship - Some people question whether a legislator should succeed to this office. The legislator is elected from only a small segment of the state. Also some question whether there is a need for Lt. Governor. His function as presiding officer of the Senate is not great. If duties of Lt. Governor are to be increased should he be given an annual salary.

7. Removal - Some question whether the legislature should be involved in impeachment. Some say it is a judicial proceeding, others say legislative.

8. Powers of the Governor - Whether the five elected officials should be eliminated from the constitution. Some say the short ballot would enable the governor to govern - fix responsibility on the governor.

9. Appointment powers - Should the governor's power be subject to legislative approval.

10. Governor's power of removal - At present no constitutional power of removal. Should a provision be inserted to cover this.

11. Gubernatorial-Legislative relations. Right now in Montana the executive budget is statutory not constitutional.

12. Veto Power - The governor in Montana has the power to veto constitutional amendments. Montana is the only state where he has this power. The governor can veto amendments to the State Constitution and his signature is also required for federal ratification of federal amendments. Should the governor be part of this process - some say should be legislative. There are numerous aspects to the veto - section veto like item veto - authorizes the governor to veto a section. Amendatory veto authorizes the governor to say to the legislature that a proposed bill is alright except one particular part of it - the governor is authorized to suggest changes and the bill goes back to the legislature; they may only make amendments on the section the governor disapproves of. In the reduction veto the governor does not have the power to reduce the line item appropriation. Amendatory vetos might apply to the reduction veto. Requirement for over-riding a veto presently is two-thirds majority of members present in both houses. Some say this is too high.



13. Time period of gubernatorial consideration of bills. At present the Montana Governor has five days in session and fifteen days after adjournment of the legislature to consider bills. Should the constitutional provision eliminate the pocket vet. Ways to prevent the pocket veto would be a continuous legislative session. Also another possibility would be post adjournment sessions which would be very expensive. Another proposal was that there be some sort of procedure whereby when a bill is vetoed the Secretary of State would send the bill out to all legislators, and they would be able to vote by mail to over-ride the governor's veto. Yet another possibility is special legislative sessions. At present the governor is the only one that can call a special session and set agenda. Some say legislature should be able to take part in both processes.

14. Gubernatorial - Judicial relation - Not a great deal of concern in this area.

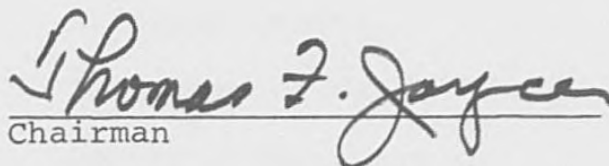
15. Executive clemency - In Montana the governor's power seems to be subject to the Board of Pardons. The governor can't commute a sentence unless prior approval is given by the Board of Pardons. Also a problem in Article IV, Section 2 where the right to vote is withheld from every convicted felon.


16. Military Affairs - The article states the Governor is Comdr. in Chief and also this article provides for a militia. It seems federal legislation and regulations are controlling over these constitutional provisions. Some question whether it is necessary to have an entire article devoted to military affairs. If an article for state militia is necessary it could go under Article VII. The Adjutant General's office feels there should be a provision in the constitution concerning the militia.

17. Authorization of the Governor to grant commissions and grants is questioned as to its constitutionality.

18. Executive Reorganization - This has begun but possibly should be expanded in the constitution.

Time of Adjournment: 11:45 a.m.

  
Chairman

  
Secretary