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# MONTANA CONSTITUTIONAL CONVENTION

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## GENERAL GOVERNMENT AND CONSTITUTIONAL AMENDMENT COMMITTEE

Room 410, Capitol Building

February 3, 1972  
10:20 a.m.

Committee Chairman: Mark Etchart

### MINUTES OF THE THIRTEENTH MEETING OF THE GENERAL GOVERNMENT AND CONSTITUTIONAL AMENDMENT COMMITTEE

Discussion on Suffrage and Elections; Discussion  
on Constitutional Amendment Proposal

#### Roll Call:

Mark Etchart, Chairman	Present
Paul K. Harlow, V. Chairman	Present
Don E. Belcher	Present
Bruce M. Brown	Present
Lyman W. Choate	Present
Otto T. Habedank	Present
Peter Lorello	Present
Robert Vermillion	Present

#### INTERESTED PERSON TESTIFYING:

<u>Name</u>	<u>Address</u>	<u>Occupation</u>
Fred Martin	Livingston	Delegate
Richard Roeder	Bozeman	Delegate
J. Mason Melvin	Bozeman	Delegate
Gerald L. McCurdy	Hamilton	NHF Montana Branch
John Hauser	Stevensville	
Roy G. Crosby, Jr.	Missoula	Citizens for Constitution- al Government

The THIRTEENTH meeting of the General Government and Constitutional Amendment Committee was called to order by Chairman Etchart at 10:20 Thursday, February 3, 1972 in Room 410. Roll call was taken and the minutes of the last meeting were read and approved.

Delegate Proposal No. 8 was brought up. Mr. Fred Martin, Mr. Richard Roeder, and Mr. J. Mason Melvin came to testify in behalf of their Proposal No. 8. Their proposal provides for recall of all officials. It is based on the premise that the people have the supreme power and that the recall constitutes a safety valve of last resort. They think it goes hand in hand with the initiative and referendum provisions. Recall is on the statutes or in the Constitutions in 12 or 13 states. In some the judiciary is not included and in some the provisions only apply to local and not state offices. He said that some people believe that there is ample recourse with impeachment and court actions but he thinks we need recall.

Mr. Brown told them that it was the general consensus to have initiative and referendum be a separate article and have recall a separate section. The Legislative Committee has some objections as to having initiative and referendum taken out of their article.

Mr. Martin said the power to set the statutes and the procedures would be left entirely up to the legislature. Mr. Mason said the potential abuse of a power shouldn't be the reason we don't have this power. Mr. Harlow said the Legislative Committee was against recall. It was suggested that these delegates go before the Legislative Committee and express their feelings on recall.

Gerald McCurdy testified as a citizen in favor of recall. He doesn't like the wording in Proposal 8 of "as provided by legislature". He thinks that recall is a right of the people and the government should be a servant of the people and not the people the servant of the government. Mr. Choate asked him if he preferred the details be spelled out as the method of recall. He answered yes but not subject to the legislature. He thinks it is a right and not a privilege of the people to have recall. He said he would cross out the phrase "in the manner provided by the legislature". (Attach. #1).

John Hauser testified on initiative, referendum and recall. He thought that referendum should be simplified. Mr. Habedank explained that the initiative and referendum sections were written many, many years ago and have stood the court battles so it was the general opinion that it should be left as it was but sectionalized. Mr. Hauser brought up whether the legislative districts under a bicameral government would apply to the senatorial districts of the representative districts. The Committee decided it should be legislative representative districts. (see attachment #2).

The Committee recessed at noon and reconvened at 1:30 p.m. the same day.

Mr. Grady read his comments on the suffrage and election section. Each section was discussed.

Mr. Roy Crosby testified that the Citizens for Constitutional Government opposed the Proposal No. 8 in its present form. He thought the balance of power of the legislature and the people should be more evenly balanced instead of having one more cumbersome

then the other. He endorsed the idea of recall. (See attachment # 3).

Constitutional Amendment Proposal No. 94 was read by Mr. Habedank. He moved the wording from the committee report: "The number of votes cast for the office of Governor in the general election immediately preceeding the filing of the petition shall determine the number of legal voters." be renamed as a separate Section 4 and put before the present Section 3, to be inserted on line 22, page 4 of Delegate Proposal No. 94. The sections following were to be numbered in sequence.

The meeting was adjourned at 4:20 p.m.

Mark E. Echart  
CHAIRMAN

Bobbie Murphy  
SECRETARY