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## Minutes of the seventeenth meeting of the General Government and Constitutional Amendment Committee

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

GENERAL GOVERNMENT AND  
CONSTITUTIONAL AMENDMENT COMMITTEE

Convention Hall

February 8, 1972  
1:30 p.m.

Committee Chairman: Mark Etchart

MINUTES OF THE SEVENTEENTH MEETING OF THE GENERAL  
GOVERNMENT AND CONSTITUTIONAL AMENDMENT COMMITTEE

Romney Hearing.

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 "Pete" Lorello	Present
Robert Vermillion	Present

INTERESTED PERSONS TESTIFYING:

<u>NAME</u>	<u>ADDRESS</u>	<u>OCCUPATION</u>
C. B. McNeil	Polson	Delegate
Lucile Speer	Missoula	Delegate
Jerome Loendorf	Helena	Delegate
Magnus Aasheim	Antelope	Delegate
Mae Nan Robinson	Missoula	Delegate
Virginia Blend	Great Falls	Delegate
Katie Payne	Missoula	Delegate
Miles Romney	Hamilton	Delegate
Carman Skari	Billings	Delegate
Henry Siderius	Kalispell	Delegate
Arlyne Reichert	Great Falls	Delegate
William Swanberg	Great Falls	Delegate

<u>NAME</u>	<u>ADDRESS</u>	<u>OCCUPATION</u>
Dorothy Eck	Bozeman	Delegate
Jerome Cate	Billings	Delegate
George Harper	Helena	Delegate
Rod Hanson	Fairfield	Delegate
Catherine Pemberton	Broadus	Delegate
Bob Campbell	Missoula	Delegate
Chet Blaylock	Laurel	Delegate
Donald Foster	Lewistown	Delegate
Jean Bowman	Billings	Delegate
Bill Koener	Hamilton	Citizen
Duane Welker	Hamilton	Citizen

The Romney Hearing was called to order by Chairman Etchart at 1:30 p.m. in the Convention Hall, February 8, 1972.

The articles on suffrage and elections and constitutional revision and amendment were read and then were open for discussion from the delegates and interested citizens.

#### Article IV

Mr. McNeil stated that the most concern the Local Government Committee had was the title "Distribution of Powers" which they thought should be "Separation of Powers".

Mrs. Spear asked if our committee meant that local government should have no local powers. Mr. Brown remarked that our proposal merely reaffirms the separation of powers.

#### Recall

Mr. Loendorf spoke against recall saying that in any close election the party that lost would be able to call for recall and this would result in two elections. He thinks the terms for office are generally short and recall would give unfair leverage over the person holding office.

Mr. Aasheim said he came to the convention in favor of recall but now thinks it would be used to harass the officials and once they are in office they shouldn't be subject to harassment with the thought of recall in mind.

Mrs. Robinson said she is opposed to the constitution having recall as now under all four types of government, we have been able to recall the officials.

Mrs. Payne asked what happens to appointed officials, and Mr. Etchart said it applied only to elected officials.

Mr. Romney asked if our committee had decided to have initiatives for constitutional amendments and Mr. Etchart answered yes.

Mr. Skari said it seemed to him that the advantages outweighed the disadvantages.

Mr. Siderius stated that he thought certain groups would misuse recall.

Mrs. Reichert said the Legislative Committee decided on 8% for petition requirement.

Mr. Swanberg asked if Proposal 82 would be substituted for the complete Article V of the present constitution and it was answered yes.

Mr. Loendorf said he agrees with everything in the article and he liked the provision for a person to run for an office unless otherwise provided by law.

Mrs. Eck said she was delighted with the article and hoped the rest of the constitution followed its example.

Mr. Romney spoke about the presidential primary election stating that he believes in the theory but it just doesn't work in Montana as no candidate files.

Article X, Sections 2, 3, and 4.

There were no questions or comments on this article.

Article XIX, Section 1.

Mr. Cate asked if our committee had checked into the federal courts ruling about the constitutional right of taking an oath to God.

Article XIX, Section 2.

Mr. Loendorf said that by simply removing this provision from the constitution it would allow the legislature to make provisions. He thinks deleting bingo would be doing our older citizens a great disservice and that removing the reference from the constitution would be the best action.

Mr. Harper said he doesn't think we should reserve the right to churches if we make it illegal to others. He thinks it is a legislative matter. He is in favor of Proposal 24 because he thinks if most of the people in the state are in favor of gambling it should be a matter of general concensus.

Mr. Hanson said the legislature spent many days on the bingo bill and if it is left up to the legislature it will have to be handled every session. He thinks it should be either wide open gambling or no gambling.

Mr. Campbell and Mr. Siderius were both in favor of Proposal 24 allowing the legislature to make provisions.

Katie Payne agreed with Mr. Harper's opinion that the reference should be left in the constitution.

Mrs. Pemberton and Mr. Romney were in favor of gambling.

Mr. Cate thinks the State is missing out on a large amount of revenue by not allowing gambling.

Mr. Blaylock is opposed to Proposal 24 because if gambling is legalized every type of establishment will offer it. He said the other end of increased revenue would be the increased rate of suicides and cases on welfare.

Mr. Monroe said he thinks it should be left up to the legislature as the citizens will put people into the legislature who will handle this matter.

Article XIX, Section 8.

Mr. Aasheim asked about not limiting the number of amendments of the people to the constitution and Mr. Habedank answered that the committee felt the amendments should be based on merit and not number.

Mrs. Blend asked about the thinking involved in having non-partisan delegates to the convention. Mr. Habedank said he thought the people would of preferred it this time but the present wording made it a requirement to have a partisan election.

Mr. Foster asked if the easing of the process of constitutional amendments could be explained and Mr. Habedank did explain the process. Mr. Foster said he disagreed with this philosophy as he feels one of the important aspects of the constitution is to protect the rights of the minority and this is the only place where the rights of the minority are expressed.

Mrs. Bowman said she thought the number of amendments should be increased from three but that there should be a limit on them.

Mr. Aasheim said that the committee had made it easier for the legislature to make amendments and he doesn't think there should be a limit for the people's amendments.

Bill Koener from Hamilton thinks the people should have the right to recall. He thinks 2/3 majority of the legislature to amend the constitution is giving the power back to the legislature. He thinks that a recall of 20 or 25% should be outlined in the constitution and not left up to the legislature. He feels the constitution is a limitation placed on the legislature in behalf of the people.

Duane Welker testified saying he thinks the constitution should allow the people complete control of the constitution and limit the legislature's control.

There being no further discussion, the meeting was adjourned at 4:30 p.m.

Mark E. Echart  
CHAIRMAN

Bobbie Murphy  
SECRETARY