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

LEGISLATIVE COMMITTEE

Place of Meeting: Room 434

Date Meeting Held: 1/21/72
Hour Meeting Held: 1:30 p.m.

Committee Chairman: Magnus Aasheim

MINUTES OF THE FIFTH MEETING OF THE LEGISLATIVE COMMITTEE

SUBJECT OF MEETING: WORKSHEET ITEMS 2-5

Roll Call:

Magnus Aasheim, Chairman	Present
Jerome T. Loendorf, V. Chairman	Present
Grace Bates	Present
Daphne Bugbee	Present
Jerome J. Cate	Present
George Harper	Present
Torrey B. Johnson	Present
Robert Lee Kelleher	Present
John H. Leuthold	Present
Richard A. Nutting	Present
Arlyne E. Reichert	Present
Mae Nan Robinson	Present
Miles Romney	Present
Carman Skari	Present

INTERESTED PERSONS TESTIFYING:

Name

Occupation or Title

NONE

January 21, 1972

1:30 p.m.

Chairman Aasheim called the meeting to order. He introduced Holly Darlington, Public Information intern, who will be sitting in on some of our meetings.

INITIATIVE AND REFERENDUM

Chairman Aasheim brought up the issue of initiative and referendum and whether the committee meant voters, people, or people who voted in the last gubernatorial election. He wondered if "people" was constitutional or not. It was pointed out that voters are used because not everybody is a voter and that is why this distinction is made. It was felt it should be a percentage of the people who voted in the last gubernatorial race. It was felt that a certain number such as 1,000 couldn't be used. Rich will check into this. It was decided to use districts instead of counties and leave it as is except for "districts". It was questioned if a minority of the people should be allowed to render a law inoperative prior to the vote on a referendum petition.

*It was the sense of the committee that the provision for rendering laws inoperative prior to the vote on a referendum petition be retained.

PETITIONS

It was pointed out that there are certain laws governing petitions and the way they are printed, signed, etc..

RECALL OF ELECTED OR APPOINTED OFFICIALS

It was decided to wait for the General Government Committee to discuss this issue.

PARLIAMENTARY SYSTEM

Kelleher will make a study regarding this system and report back to the committee.

SCHEDULE

The chairman and vice-chairman will draw up a schedule for the next two weeks. The secretary's minutes were read. The vice-chairman will check these, and after checking, copies will be printed for all committee members.

WORKSHEET #2--COMPOSITION OR SIZE

<u>Name</u>	<u>Bicameral</u>	<u>Unicameral</u>
Johnson	75-25 legislative & senatorial districts	110-single member
Nutting	present size fine	100
Harper	50 and 25	75
Robinson	60 and 30	75-100
Reichert	80 and 40	100
Leuthold	80 and 40	80-100
Cate	75 and 25	75-100
Skari	80 and 40	75-100
Romney	100 and 55	100
Bugbee -- passed		
Bates	50-75 House 35-50 Senators No more than 2 legislators from any one district.	100-125 single member
Kelleher	No comment	100
Loendorf	80-40	75-100
Aasheim	80-40	100

Discussion followed. It was questioned why the unicameral size would be bigger than bicameral size. It was because people from the rural areas want to be represented. Nutting wondered if the size was a constitutional issue. Maybe the members should consider a wider spread of numbers because the upper limit will be the one that will be set.

It was decided that the committee would continue through the worksheet items to give the sub-committees some thoughts to work with. Each member's discussion would be limited to 2 minutes.

WORKSHEET #3 -- TERM OF OFFICE

The present law was read from the constitution. The present term is 4 years for senators and 2 years for representatives.

<u>Name</u>	<u>Bicameral</u>	<u>Unicameral</u>
Nutting	4-2	4-staggered
Harper	4-2	4-staggered
Robinson	4-2	4
Reichert	4 staggered 2	4
Cate	6-Senate-staggered 4-House-not staggered	4-staggered
Skari	4-2	4
Romney	4-2	4-not staggered
Bugbee	4-4 staggered	4-staggered
Bates	4-2	4-staggered
Loendorf	4-2	4
Kelleher	4-2	4-staggered
Johnson	4-2	4-staggered
Aasheim	4-2	4-staggered

WORKSHEET #3--TIME OF ELECTION

*It was the sense of the committee that elections be in odd-numbered years. Loendorf thought this item should be left out of the constitution, and the Committee on Elections should be consulted.

WORKSHEET #4--QUALIFICATIONS

The present section was read from the constitution. Each committee member expressed what he thought the qualifications of a legislator should be.

Robinson--qualified voter only

Reichert--qualified voter (include 18 year olds)

Leuthold--one year residency, and 30 days in district

Cate--qualified voter - this be discussed in Suffrage and Elections

Skare--qualified voter for unicameral, 1 year residency in state for bicameral, qualified voter for House; Senate should have difference for age requirement.

QUALIFICATIONS - continued

Romney--1 year residence, qualified voter
Bugbee--all qualified voters
Bates--all qualified voters, residency requirement of maybe
6 months
Kelleher--qualified voter, for bicameral leave constitution as is
Loendorf--qualified voter and resident of district a year prior
to election
Aasheim--residency requirement for state. Should consider whether
person has to reside in district in which he wants to run.
Johnson--qualified registered voter. Resident of state one year
and district for 30 days
Nutting--qualified voter of state and district one year
Harper--qualified voter only

Discussion followed. It was pointed out that the federal require-
ments should be considered which require 30 days for voting for the
president. Kelleher thought that a qualified voter is a registered
voter. He felt that a residency requirement should be required to
avoid carpetbagging.

WORKSHEET #5--DISTRICTS AND APPORTIONMENT

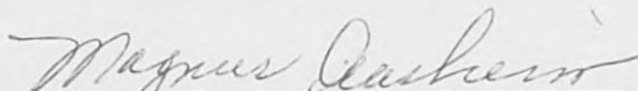
*It was the consensus of the group that single-member districts
should be used with some exceptions.


Romney--Legislature apportion itself
Bates--Commission do it and representatives of legislature be on
commission
Kelleher--Governor appoint commission. Perhaps social scientist,
demographer, computer analyst. Legislature should have first
crack at re-districting themselves. If they fail, majority
and minority leaders appoint 2 persons and 5th person be
appointed by someone else.
Loendorf--The governor and the courts should not be involved in
reapportionment because such involvement appears to be in con-
tradiction with the separation of powers doctrine. Appoint-
ment should be accomplished by a commission which refers its
plan to the legislature. The legislature then has a fixed
period of time to come up with its own plan and if it fails to
do so, the commission plan becomes law.
Reichert--Outside 5-member commission. Two persons appointed by
majority members, 2 by minority members, and they find chair-
man. If legislature didn't accept plan, would go to secretary
of state.
Leuthold--Perhaps should have a state contest on this!!
Legislature make final decision.
Cate--Explained Towe's plan. Commission be created and made up
of persons appointed by majority and minority leaders and 5th
person be appointed by courts. Give plan to legislature, and
if legislature didn't like the commission plan, go back to
legislature for them to decide own plan.

Loendorf pointed out that it is hard for the legislature to reapportion themselves. Nutting didn't feel mention of the commission should be in the constitution. Romney felt this should be included in the constitution because this is a basic issue and would leave a big loophole if omitted. Discussion was held on whether reapportionment should go all the way down to the local and precinct levels.

*The consensus of the committee was that reapportionment should be done after every federal census.

The meeting was adjourned at 5:30 p.m.


Magnus Aasheim, Chairman


Judy Pratt, Secretary