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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: 1/26/72
Hour Meeting Held: 1:30 p.m.

Committee Chairman: Magnus Aasheim

MINUTES OF THE EIGHTH LEGISLATIVE COMMITTEE MEETING

SUBJECT OF MEETING: WORKSHEET ITEMS 6, 8, 11, 12, 13, and 14

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	Absent
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:

<u>Name</u>	<u>Occupation or Title</u>
1. Bud Aspevig	Representative--Rudyard
2. Ed Shubat	Cascade County Commissioner
3. Dean Zinnicker	Cascade County--representing comm.
4. Milo Dean	Cascade County Commissioner
5. Francis Mitchell	Common Cause lobbyist
6. Carol Mitchell	Common Cause lobbyist

January 26, 1972
1:30 P.M.

Chairman Aasheim called the meeting to order. He introduced Representative Bradley Parrish who was sitting in on the meeting. Some changes have been made in the hearing schedule. The Friday night hearing will be held Saturday night, and the Saturday night hearing will be rescheduled. The hearing Saturday night on apportionment will deal with all levels (county, precinct, etc.). The Chairman will notify the Local Government, Judicial, and General Government committees of the hearing. The Chairman will contact either Dr. Robert Taylor, Bozeman, or Dr. Ellis Waldron, Missoula, to attend the hearing.

The minutes of January 25, 1972, were read and approved.

SESSIONS #6

Discussion was held on when the term of an elected official should begin.

*It was the feeling of the committee that there should be no mention of time when term of elected officials shall begin in the Constitution.

Discussion was held on legislators calling themselves back into session, and whether the majority and minority leadership can call them back into session.

*It was the feeling of the committee that a majority of the legislature should be able to call themselves into session.

*It was the feeling of the committee that the leadership of the legislature should not be able to call the legislators back into session.

*It was the feeling of the committee that the governor should be able to call the legislature back into special session. In his call he can declare the purpose of the session.

*There was no committee agreement that the place of meeting should be at the seat of government.

VACANCIES #8

Discussion was held on replacing an elected official. The ideal way to fill a vacancy is by election but elections are expensive. A time limit was discussed as it might depend on how much time is left before the term expired. Some felt that it should be left to statutory law. Some felt that the runner-up in the election could fill the vacancy. It was suggested that in our article there should be a schedule to take care of the transitional period between constitutions.

*There was no committee sense on filling vacancies in the legislature.

WITNESSES

Representative Bud Aspevig testified in behalf of the bicameral system. He felt that a unicameral system would produce a jagged budget. He felt the deadlock in past legislative sessions was due to lack of time. Congress has more time and they have two houses. He felt the House term should be staggered as the Senate now.

Ed Shubat, Dean Zinnicker, and Milo Dean, Cascade County, representing the Montana Association of County Commissioners presented a proposal (attached herewith). Discussion followed.

IMMUNITY #11

The present section was read from the Constitution. The reason for the immunity is so that no legislator could be detained from a crucial vote.

*It was the feeling of the committee that Section 15 be retained in the new constitution.

SPECIAL LEGISLATION #12

This section was explained to committee members. The Legislative Council questioned whether it should be in the Constitution or not.

*It was the feeling of the committee that Article V, Section 26 be left out. They felt that the legislative assembly shall not pass local or special laws in any case in which the general law can be made applicable.

TRANSACTION OF BUSINESS #13

*It was the feeling of the committee that Article V, Section 10 should be retained in substance in the constitution.

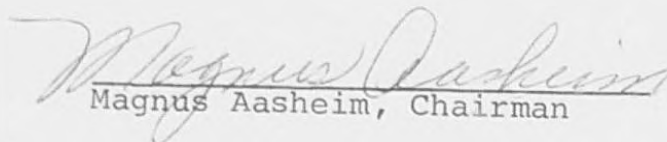
COMMITTEES #14

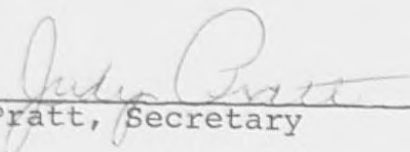
Discussion was held on whether committees should be mentioned in the constitution. It was brought out that committee meetings should be open to the public, and there should be a minimum time allowance prior to public hearings.

*It was the sense of the committee that all legislative proceedings be open and public.

WITNESSES

Francis and Carol Mitchell, Helena, representing Common Cause, spoke on having all legislative committee meetings open to the public.


Magnus Aasheim, Chairman


Judy Pratt, Secretary